










CA  
CPX  
- D29



Digitized by the Internet Archive  
in 2021 with funding from  
University of Toronto

<https://archive.org/details/31761114652985>







DEBATES OF  
THE LEGISLATIVE ASSEMBLY  
OF UNITED CANADA

Volume XIII

Part II

1856







DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA  
1841-1867

---

Centre d'étude du Québec

DEBATES OF  
THE LEGISLATIVE ASSEMBLY  
OF UNITED CANADA

VOLUME XIII, PART II  
1856

Edited by  
*Danielle Blais*

Assisted by  
*Geneviève Legault*

CENTRE D'ÉTUDE DU QUÉBEC (CEQ)  
Concordia University, 1455 de Maisonneuve Blvd. West, N-025  
Montréal, Québec H3G 1M8



DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA  
1841-1867

Published under the direction of the  
Centre d'étude du Québec

CENTRE D'ÉTUDE DU QUÉBEC  
Room N-025, Sir George Williams of Concordia University  
Montréal, Québec  
H3G 1M8

Director: *Cameron Nish*  
Associate Director: *Jean Hamelin*  
Administrative and Research Associate: *Danielle Blais*

Executive Committee

*Jack Bumsted* (University of Manitoba)  
*Ramsay Cook* (York University)  
*Jean Hamelin* (Université Laval)  
*Peter Waite* (Dalhousie University)  
*Jean-Pierre Wallot* (Directeur, Archives du Canada)

---

The research funds for the reconstruction of the *Debates of the Legislative Assembly of United Canada* have been provided by the Social Sciences and Humanities Research Council of Canada, and by the Faculty of Arts and Sciences of Concordia University. This Volume has been published with the help of a grant from the Canadian Federation for the Humanities and the Social Science Federation of Canada, using funds provided by the Social Sciences and Humanities Research Council of Canada.

## ACKNOWLEDGMENTS

Tia Benn, Jeannot Blackburn, Barry Goodman, Brigitte Leclerc, Ryn'l Mitchell, Karen Mortimer, and Cynthia Parkinson assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.





## TABLE OF CONTENTS

THURSDAY, 6 MARCH 1856 .....	529
FRIDAY, 7 MARCH 1856 .....	576
MONDAY, 10 MARCH 1856 .....	617
TUESDAY, 11 MARCH 1856 .....	664
THURSDAY, 13 MARCH 1856 .....	675
FRIDAY, 14 MARCH 1856 .....	728
MONDAY, 17 MARCH 1856 .....	772
TUESDAY, 18 MARCH 1856 .....	817
WEDNESDAY, 26 MARCH 1856 .....	850
THURSDAY, 27 MARCH 1856 .....	895
FRIDAY, 28 MARCH 1856 .....	926
MONDAY, 31 MARCH 1856 .....	967
TUESDAY, 1 APRIL 1856 .....	1010
INDEX OF PROPER NAMES .....	1043





THURSDAY, 6 MARCH 1856

(102)

MR. SPEAKER laid before the House,--Statement respecting the Jesuits' Estates to the thirty-first January, 1856, furnished pursuant to the directions of the fifth Section 16 Vic., cap. 163.

For the said Statement, see Appendix (No. 15.)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Young,--The Petition of the Montreal Dispensary.

By Mr. Crawford,--The Petition of James Wilkes and others, Creditors of the Buffalo, Brantford, and Goderich Railway Company.

By Mr. Niles,--The Petition of J.W. Lawford, of the City of London, County of Middlesex.

By Mr. Bowes,--The Petition of A. Macdonell and others.

By Mr. Cooke,--The Petition of G.W. Cameron and others, Sons of Temperance, and others, of Lochaber.

By Mr. Freeman,--The Petition of George Fletcher and others, of the Township of Binbrook, County of Wentworth.

By Mr. Macbeth,--The Petition of the Municipal Council of the County of Elgin.

By Mr. Jackson,--The Petition of the Galt and Guelph Railway Company.

By Mr. Antoine Aimé Dorion,--The Petition of the Municipality of the Parish of St. Jérôme; and two Petitions of the Ladies' Benevolent Society of Montreal.

By Mr. Prévost,--The Petition of the Municipal Council of the County of Terrebonne.

By Mr. Jean Baptiste Eric Dorion,--Two Petitions of the Reverend N. Pelletier and others, of the Township of Stanfold.

By Mr. Solicitor General Smith,--The Petition of Mrs. Sarah Ansley and others, of the Township of Storrington, County of Frontenac.

By the Honorable Mr. Merritt,--The Petition of James W. Johnson and others, of the United Counties of Lincoln and Welland; the Petition of James K. Benson and others, Merchants and others, of the Town of St. Catharines; and the Petition of the Municipal Council of the Town of St. Catharines.

Pursuant to the Order of the day, the following Petitions were read:--

Of Albert Furniss, of the City of Montreal; praying for an Act of Incorporation under the name of the Montreal Gas Light Company.

Of the Right Reverend the Roman Catholic Bishop of Three Rivers, and others, the Committee of Management of the Schools of the Society of Education; praying aid for a School in the Town of Three Rivers.

Of Abraham Dubuc and others, of L'Isle de la Fourche, and of the Parish of St[e]. Monique; praying that the application of Henry Wolf Trigge and others, to be incorporated for the purpose of erecting a Bridge over the River Nicolet, with an exclusive privilege for the distance of two miles on each side of the said Bridge, may not be granted, as regards the said privilege.

Of William P. McLaren and others; praying for an Act of Incorporation under the name of the Western Canada Loan Company.

Of M.P. Empey and others, Merchants, Manufacturers, and others, of the Village of Waterloo; praying for an Act of Incorporation under the name of the North-western Railway Company.

Of H. Haynes and others; praying for the opening of a Road through the centre of the Township of Bruce.

*Of D. Shoff and others, of the Village of Ireland, County of Huron; of W. Turner,*

(103)

*senior, and others, of the Township of Marysburgh, County of Prince Edward; of John Stevenson and others, of the Town of Picton; of John Anderson and others, of the Township of Whitechurch, County of York; of James G. Elwoods and others, of the Township of Oxford, County of Gernville (sic); of P.W. Dayfoot and others, of the Township of Esquesing, County of Halton; of W.H. Dunning and others, of the Township of Cumberland, County of Russell; and of Mrs. Louisa Cherley and others, of the Town of Cornwall, County of Stormont; praying for the passing of a Prohibitory Liquor Law.*

*Of the Town Council of the Town of Goderich; praying for the passing of an Act ratifying and confirming the deed of conveyance made by the Municipal Council of the Town of Goderich, of the land upon which the Court House is erected.<sup>1</sup>*

*Of J.P. Abbey and others, of the Counties of Lincoln and Welland; praying for the passing of an Act to enable the Port Dalhousie and Thorold Railway Company to extend their line of Railway to Port Colborne on Lake Erie.*

*Of the Reverend J.G. Watier, Curé, and others, School Commissioners and others, of the Parish of St. François de Sales, Isle Jésus; praying aid for a Model School in the said Parish.*

*Of the Reverend M.J.E. Chévigny, Curé, and others, of the Parish of St. Henri de Mascouche, County of L'Assomption; praying aid for a College in the said Parish.*

*Of A. Ainslie and others, of the Village of Galt, County of Waterloo; praying that the Village of Galt may be incorporated as a Town.*

*Of L'Institut d'Artisans et Association de Bibliothèque, of the Village of L'Industrie, County of Joliette; praying for aid.*

*Of Léandre Mayrand and others, Pilots engaged in the navigation between Quebec and Montreal; praying that the rates of Pilotage at present allowed them may be increased, and that one of their body may be appointed a Warden of the Trinity House of Montreal.*

*Of Thomas Clarkson and others, Merchants and others, of the City of Toronto, and of the Counties of York and Simcoe; praying for an Act of Incorporation under the name of the Toronto and Georgian Bay Canal Company.*

*Of Alexander Yuill and others, of the Township of Ramsay, County of Lanark; setting forth that they have suffered great loss by the Government Boom at the mouth of the Madawaska River not being in proper order; and praying relief.*

*Of Les Soeurs de la Congrégation, Directresses of the Convent of St. Hyacinthe; praying for aid.*

*Of the Municipal Council of the County of Bagot; praying for certain amendments to the Municipal and Road Act of 1855.*

*Of the Reverend F.H. Prévost and others, Catholic School Commissioners, of the City of Montreal; praying aid for a Model School in the said City.*

*Of the Reverend J.N. Trudel and others, School Commissioners and others, of the Parish of St. Isidore, County of Laprairie; praying aid for a Superior School in the said Parish.*

*Of the Reverend J. Morin and others, of the Parish of St. Jacques le Mineur; praying aid for the support of a Superior School in the said Parish.*

*Of the Rector and Churchwardens of the Parish of Quebec; praying for an Act to incorporate the Male Orphan Asylum in connection with the Church of England, and place the same under the immediate control of the Parochial Authorities of the said Church.*

*Of the Municipality of the Township of Tecumseth, County of Simcoe; praying for a repeal of the Separate School Act.*



Mr. Jobin, from the Standing Committee on Contingencies, presented to the House

(104)

the Second Report of the said Committee, which was read, as followeth:--

Your Committee have carefully examined the Accounts and Vouchers according to the annexed Statement of Receipts and Expenditure, and find the same correct as certified by them.

The system of keeping the accounts, and the departmental system of certificate adopted by Your Honorable House at the last Session, on the recommendation of Your Committee, has proved most satisfactory.

Your Committee have much pleasure in stating, that the books of Your Honorable House have been kept in the most regular and satisfactory state in the Department of the Accountant, and have enabled Your Committee to effect the audit in a correct and reliable manner.

Your Committee also desire to express their entire approval of the mode in which the Sergeant-at-Arms has carried into effect the new regulation, as to the order of miscellaneous articles for Your Honorable House: every item has been properly vouched for by the requisition of the respective officers, and Your Committee do not doubt that a large reduction of expenditure has been obtained.

Your Committee observe a large sum paid to special Clerks of Committees--which they consider an unnecessary expenditure, considering the large staff of Your Honorable House, and they would recommend that in future no special Clerk of any Committee be appointed, unless by authority of Your Committee or of Your Honorable House.

Your Committee desire to draw the attention of Your Honorable House to the circumstance, that an allowance equal to two months' salary has been advanced, by the authority of Mr. Speaker, to the several Officers and Clerks of the House, towards defraying the expenses of their removal from Quebec to Toronto, and as they are informed, that a similar allowance has been made by the Government to the Officers in the Public Departments, Your Committee suggest, that if this be approved by Your Honorable House, a similar favor should be extended to the employés of the Legislative Assembly. At present, the advance made is considered as on account of salary, and to be re-paid if not sanctioned by Your Honorable House.

(105)

Account Current of William Burns Lindsay, Esquire, Clerk of the Legislative Assembly, of the Moneys received and disbursed by him as Contingencies, from the 31st March to 31st December, 1855.

DR.

CR.

		£	s.	d.			£	s.	d.
March	31, 1855..	To Balance on hand, as per last Audit .....	8172	2	5	A .. Paid on Indemnity .....	16829	1	8
May	1, do ..	To amount of warrant received on Address of 28th April .....	10000	0	0	B .. do Salaries .....	8801	8	10
do	19, do ..	To amount of warrant received on Address of 15th May .....	10000	0	0	C .. do Extra Services .....	1025	12	6
do	31, do ..	To amount of warrant received on Indemnity 26th May .....	7000	0	0	D .. do Messengers .....	1721	10	0
June	5, do ..	To amount of Fees on 43 Private Bills, at £15 each .....	645	0	0	E .. do Expenses of Committees .....	53	10	0
do	do ..	To do Printing on do .....	148	8	0	F .. do Library .....	417	19	7
do	do ..	To do warrant received on Address of 30th May .....	1800	0	0	G .. do Printing .....	19818	11	11
do	21, do ..	To amount of warrant received on Address of 15th May .....	10000	0	0	H .. do Stationery .....	900	16	8
July	5, do ..	To error in Indemnity Account, on amount received.				I .. do Postage .....	1961	3	11
September	do, do ..	To amount received on account of Address of 15th May .....	5000	0	0	J .. do Newspapers and Advertising .....	387	7	6
do	21, do ..	To do do do .....	4000	0	0	K .. do Tradesmen and others .....	1614	1	4
December	8, do ..	To do from proceeds of sale of Telegraph Office Furniture, in Quebec .....	15	0	0	L .. do Miscellaneous .....	4442	7	10
do	15, do ..	To amount of warrant for balance on Address of 15th May .....	3246	0	0	M .. do Insurance .....	105	0	0
			60026	18	5	By Balance on hand this day .....	1948	6	8
do	31, do ..	To Balance on hand .....	1948	6	8				

Accountant's Office,

Toronto, 31st December, 1855.

E. & O.R.

W.B. Lindsay,  
Clerk, Assembly.

Thomas Vaur,  
A.L.A.

A.T. Galt,  
George Macbeth,  
George K. Chisholm,  
J. Gould.

Certified by us as Auditors.

(106)

*Trial Balance of the Books on 31st December, 1855.*

	£	s.	d.	£	s.	d.
Cash .....	1948	6	8			
Legislative Assembly .....	.....	.....	.....	1948	6	8
Salaries .....	.....	.....	.....	1553	7	6
Printing .....	.....	.....	.....	6775	6	10
Miscellaneous .....	.....	.....	.....	200	0	0
John Lovell, on account of Printing .....	500	0	0			
Rollo Campbell, do do .....	2886	4	4			
Louis Perreault, do do .....	2490	12	6			
J. Dredge, do Binding .....	898	10	0			
A. Patrick, do distribution of Journals .....	200	0	0			
Advance to Clerks and Servants, (see Accounts.) .....	1553	7	6			
	£ 10477	1	0	10477	1	0

Thomas Vaux,  
A.L.A.

Accountant's Office, Legislative Assembly,  
31st December, 1855.

Audited 20th February, 1856.

A.T. Galt,  
George Macbeth,  
George K. Chisholm,  
J. Gould. } Certified by us  
as Auditors.

*Ordered, That the Petition of the Mayor, Aldermen and Commonalty of the City of Toronto, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*Resolved, That a Message be sent to the Honorable the Legislative Council, communicating to their Honors the Resolution appointing certain Members of this House as Members of the Joint Committee of both Houses, for the regulation of the Library of Parliament.*

*Ordered, That the Honorable John Sandfield Macdonald do carry the said Message to the Legislative Council.*

After the routine proceedings had been gone through<sup>2</sup>,

MR. A. DORION (Montreal), moved for a Committee of the whole to take into consideration certain resolutions to amend the mode of issuing Tavern Licenses, with a view to the repression of intemperance.<sup>3</sup>

MR. SOL. GEN. H. SMITH would wish the hon. member for Montreal to allow the motion to stand till the Attorney General came in.<sup>4</sup>

MR. A. DORION consented.<sup>5</sup>

(106)

*Ordered, That Mr. Prévost have leave to bring in a Bill to authorize the improvement of water-courses.*



*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Thomas Fortier have leave to bring in a Bill to authorize Henry Wulfe Trigge, Esquire, and others, to construct a Toll-bridge on the Northeast Branch of the River Nicolet, near the Church of the Parish of Ste. Monique, in the County of Nicolet; and to incorporate the said Henry Wulfe Trigge and others, under the name of the "Ste. Monique Bridge Company."*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

MR. GALT rose to make an explanation relative to his motion for a Select Committee of seven members to enquire into the management and disposal of the Public Lands; said Committee to consist of the Hon. Mr. Cauchon, Hon. J.S. Macdonald, Hon. Mr. Robinson, Hon. Mr. Holton, Hon. Mr. Merritt, Hon. Mr. Egan, and the mover. He did not then intend to move for that committee, as he expected the Commissioner of Crown Lands to come down with a measure for the reform of that Department. During the previous session, a committee had been appointed with the same object as that for which he now moved.<sup>6</sup> There was one difficulty which the committee found in dealing with the very important subject referred to them, which arose from the large number of gentlemen deputed by the House to act. It was found impossible to get them together, engaged as many of them were on other business.<sup>7</sup> The consequence was that the committee were unable to proceed with that rapidity which was desirable in such cases.<sup>8</sup> It devolved upon the committee to adopt the principle of a subdivision of the subject, by appointing sub-committees to take evidence upon the three respective branches thereof. One was as to the state of the department, or rather, the management of the Crown Lands Department. Then the system of sale, and the disposition of public lands, and the timber upon them.<sup>9</sup> He did not desire to detain the House, on the present occasion, with any lengthened details, but would make a very brief statement of what that committee had done.<sup>10</sup> With reference to the management of the department, it was within the knowledge of every member of that House, and of residents in the country, that numerous complaints had existed from time to time in regard to these lands. It was therefore found necessary to remove those evils, and to endeavour to see from what cause it was that these very valuable public lands were almost, if not quite, unremunerative. With regard to the system of sales, it was a much more important question, involving considerations affecting the whole interests of the country and its material progress. No more important question could be taken up, than that of the system upon which the public lands of this country were offered to emigrants or to the rest of the inhabitants<sup>11</sup>, and this partly accounted for the length of time they had taken to consider the matter.<sup>12</sup> He thought the House would agree with him that it would be imprudent to part with the Committee, or to come to a hasty conclusion upon the matter. The Committee were desirous of hearing evidence respecting things as they stood here and in the United States. It became necessary for the Committee to make their enquiries in a great many quarters, and it would have been highly imprudent for them to have arrived at any hasty conclusion. With regard to the timber, that was a question involving important difficulties. That trade, as all persons knew, was the principal export trade of Canada--in which the whole shipping interest was very largely engaged--and in which large capital had been laid out in erecting saw-mills and other establishments<sup>13</sup>, (hear, hear.)<sup>14</sup> It was a question whether it was wise now to promote the trade in one description of lumber, or whether it would not be advisable to encourage the establishment of saw-mills and so to aid in the opening up and settlement of the country for agricultural purposes.<sup>15</sup> [OR] The question was open

for consideration, whether that large trade should continue to be carried on--the erection of saw-mills encouraged--and the settlement of the country increased. The whole interests of the Ottawa were involved in that consideration--that district of country which had been rising of late years very considerably, and which involved the position and status of very many individuals having large capital invested in the business, and who would, to a certain extent, be affected by the decision to which the Committee might arrive, provided that decision received the sanction of the House; and it was held to be more important to attend to that question, than that relating to land sales; and, for that purpose, that Committee had desired to give those gentlemen so interested, those interests which were a part in the present system of the disposal of timber upon public lands, and the very best opportunity for placing the reason in favor of the continuance of that system, before them<sup>16</sup>, (hear, hear.)<sup>17</sup> For that purpose, until the merchants and others interested in the question should have the opportunity of saying that they had put before the Committee all that was necessary in support of the existing state of things, it was not thought desirable to go into what might be said upon the other side, besides it was considered better that the evidence received upon these important subjects should be allowed to stand before the country at all events during the interval between the two sessions of Parliament, so that attention might be directed to it, and that anything erroneous done by the committee might be corrected if necessity required. Those suggestions the committee should have offered at that time. At all events the House was now in a better condition than the committee were then, because the whole matter had been laid open to public remark and judgment. The evidence taken before these sub-committees formed the bulk of the report of the committee. It had necessarily occupied nearly the whole period of the last session, and at the close of the session it was manifest that it would be highly improper for the few remaining members of that committee to have made the report of that sub-committee without the presence of the gentlemen who were upon them. As chairman of the committee, however, he had analysed the evidence carefully, and was himself prepared to submit a report, but he found that it would be unfair for him to have put his own views and deductions from that evidence, and to have required the assent of the few remaining gentlemen who were left.<sup>18</sup> For this reason that report had not been considered by the Committee, and would form no part of the Report he would bring before the House.<sup>19</sup> The report that was adopted, however, drew attention to several points which required, in the opinion of the committee, immediate attention,<sup>20</sup> and, with the permission of the House, he would read one or two extracts. It was the opinion of the Committee "that an immediate inspection of the accounts of all the local agents should be ordered;" and "that all monies received by such agents should be paid direct to the Receiver General on account of the Crown Lands Department."<sup>21</sup>

MR. COM. CR. LANDS CAUCHON inquired if the hon. gentleman meant to go into a discussion of the matter to-day?<sup>22</sup>

MR. GALT replied that such was not his intention. He merely meant to (sic) give a general summary of what had been done by the last Committee, in order to allow the hon. the Commissioner of Crown Lands an opportunity to state what had been done in these matters.<sup>23</sup> He (Mr. Galt) had the day before understood the hon. commissioner to state that the subject had been attended to, which being done would of course be highly satisfactory to the country. (The hon. gentleman then read the questions to and answers made by the committee.) The committee had done their best to make enquiry into this important subject, and having learned a day ago from the Commissioner that he had commenced instituting a series of important reforms in the departmental management, (the whole extent of which had necessarily not been

communicated to the House), he (Mr. Galt) thought there would be no very practical advantage in a committee being appointed to criticise or go into that subject at this moment, especially as he had understood the Hon. Commissioner for Crown Lands was going to bring the matter before the House. It would be more respectful to wait and see the measure brought down, than to hurry this on, so that if necessary the House could grant a committee; and he would therefore move that this order be discharged.<sup>24</sup>

MR. COM. CR. LANDS CAUCHON said the report referred to was published when he was not in Canada, and it was only recently that he had read the evidence and suggestions contained on that Report. Though he did not agree with all that report contained, it at the same time contained many good suggestions, which he took the greatest pleasure in adopting. He had already began (*sic*) to work upon these suggestions so far as he could work. But such improvements required more than a day or two to effect. He had in the meantime<sup>25</sup> tried to put the proper check on the department so as to produce improvement, but the only way to put a check upon the officers there would be to lay down the rule that no sale should take place unless made by the parties themselves<sup>26</sup> and that no money should be paid to the agents at all.<sup>27</sup> And then the question was, whether they should have these agents at all. Mr. Tarbutt said it was impossible to alter this, as it would require that the monies, according to the new law, would be received through the Receiver General, and in such small sums that it would create an immense amount of work. It had been suggested to suspend all the present agents, and to employ officers belonging to the department, (*hear, hear,*)<sup>28</sup> for the purpose of making sales at different periods, and if any individual during these periods was desirous of purchasing, he might make such a purchase directly with the department. The officers would belong to the department and would be responsible for all sales made. He was desirous of putting the system on a correct basis,<sup>29</sup> and since his return from Europe he had written more than 250 letters to different parties in the province, asking not only the private feeling of individuals on the subject, but that of the country at large upon every possible point concerning the sale of land, and about the settlement duties, and upon this his mind was not entirely settled. He would like to have a mode of selling the lands which would be perfectly acceptable to the great bulk of the people,<sup>30</sup> and which would be conducive to the proper settlement of the country, and having for a secondary object the production of as large a revenue as possible--the main object being the settlement of the lands. Upon this question he had worked considerably but he had not as yet been able to bring it before the Government, but he hoped to do so shortly, and trusted the Government would be enabled to bring down a measure before the close of the session bearing upon the whole subject. There were many different opinions entertained by people in reference to the sale of land. Many of these are guided by interest, no doubt many of them are sincere, but the tendency of the opinions goes generally in the direction of interest; and of course they had to guard against that. For that reason he had written to land agents and agents generally, as well as to gentlemen not at all interested in the sale of lands, in order to form every possible opinion upon the subject.<sup>31</sup> Answers to the letters he had written were coming back ... [*fast*], and he had a large portion of them now in hand. As to the timber question, the hon. gentleman who had addressed the House might give his own personal opinion, but the committee had not come to a conclusion as to what should be done in the matter. He had no objection, however, to let the committee go on, although he had some objection as to the names put upon it<sup>32</sup>, if that hon. gentleman [Mr. Galt] could get any further suggestions from people who have not given their opinions upon the subject, and by that means be enabled to come to a better conclusion upon this important matter. The different and even contrary opinion[s] entertained by gentlemen who have been long



acquainted with the question, and even the different opinions of the members of this House as to the best mode of managing this business, these opinion[s], really sincere on both sides, shows (sic) that the matter is difficult to deal with. There are changes absolutely necessary, and there may be a medium between the extreme opinions on both sides. He (Mr. Cauchon) was ready to grapple with the subject so far as his ability would enable him to do so, and when the matter came before the House he would be ready to discuss the whole matter. As to the remarks made in reference to ... whether the agents made their returns regularly, he would say that at this moment if an agent does not render his accounts in the specified time--at the end of each month, he is told that his account has not been rendered in time, and if he does so [a] second time he is dismissed. He was determined to carry this system into effect, and when any agent does not tender his accounts according to the rules, unless some delay may have been occasioned by a delay of the mail, or other reasonable cause, such an agent will be dismissed<sup>33</sup>. He was determined to carry out that rule whether it displeased or not the parties in that position. (Hear, hear.)<sup>34</sup>

MR. GALT expressed himself satisfied with the information furnished by the Commissioner of Crown Lands. One question, however, appeared to be misunderstood by that gentleman. He (Mr. G.) had enquired if the accounts of the Crown agents had been examined and chequed (sic) by the vouchers, and that question had been suggested by the fact that the Committee had reported that the accounts of many of the agents had received no examination<sup>35</sup> or check except in regard to the individuals themselves. That is the point which the Committee thought it necessary to draw the attention of the House to, and one which he (Mr. G.) had hoped from what fell from Mr. Cauchon yesterday had met his attention.<sup>36</sup>

MR. COM. CR. LANDS CAUCHON replied that under the present system the check was exceedingly difficult to obtain. He did not say it was impossible to get it. Unless the system was changed altogether no exact remedy could be had.<sup>37</sup> To send out to audit the agencies would cause an expense which would swallow up the revenue. The agents could not send in their vouchers and run the chance of having them lost by the way; but he would be very happy to hear any suggestion on this point from the hon. member and would give it his best consideration.<sup>38</sup>

MR. GALT could point out one remedy which was, that instead of paying the money to the agents direct, it might be paid into chartered banks of the Province, and duplicate receipts be taken and those receipts forwarded to the department.<sup>39</sup>

MR. COM. CR. LANDS CAUCHON would be happy to adopt that plan; but what bank could be got to do the business? Which of them would receive little sums of 1L, 2L or 3L--perhaps of a few shillings--and go to the trouble of granting duplicate receipts?<sup>40</sup> (Hear, hear.)<sup>41</sup> [He] considered that it would be impossible..., unless these banks were specially paid by the Government to do so. If any of the banks would consent to do it he would gladly avail himself of the suggestion. But there were parties who lived, it might be, twenty or thirty miles from where any bank might be and they would have to travel all that distance to deposit their few dollars--which might not at all times be convenient to do.<sup>42</sup>

MR. MERRITT asked if the hon. member meant to withdraw his motion?<sup>43</sup>

MR. SICOTTE the SPEAKER said, that the hon. gentleman had not exactly decided.<sup>44</sup>

MR. ROBINSON thought the difficulty might be got over. In almost every locality where there is any quantity of lands, there are always some individuals who take an interest in their neighbours' welfare and were ready to do business for them. So far as withdrawing the agents went, people could always send their money to the head office direct.<sup>45</sup> The Canada Company kept no agents at all. Yet, purchasers had no difficulty in transacting their business. The facilities afforded by the Post Office in regard to sending small sums of money were such that although they received very many letters containing money, he did not think they had lost a single dollar. Money letters came regularly--and they had no difficulty whatever.<sup>46</sup>

MR. GALT, referring to his former idea said, if the Audit Board could check these receipts, he could see no use for it.<sup>47</sup>

MR. SICOTTE the SPEAKER asked whether the hon. gentleman wished to withdraw his motion.<sup>48</sup>

MR. GALT said he had no objection to do so if the House thought it desirable.<sup>49</sup> [He] did not wish to press the motion, or to raise any discussion upon it now.<sup>50</sup>

MR. J.S. MACDONALD asked "When?"<sup>51</sup>

MR. GALT.--This Session. He thought that what the Commissioner for Crown Lands had said showed the necessity of dealing with that part of the question at once. It was certainly a most desirable thing, if thousands of pounds of the public money are received by gentlemen; (he did not question the probity or respectability of any of them), but he did question the propriety of the course, and held, that it was highly improper that large sums of public money should be paid to any gentleman in this country without having the means of ascertaining all about it. That was a point which no one can dispute, and the subject should meet with immediate attention. It was worse than useless if they could not check the receipt of these sums of money and ascertain that they are correct. They could not now ascertain what was paid in.<sup>52</sup>

MR. MACKENZIE spoke of the necessity of having the accounts thoroughly examined, but to do so, it required active, enterprising, thorough-going business habits. If the commissioner had a knowledge of the accounts--if he had activity and willingness to remedy the abuses, there was no question but he could do so.<sup>53</sup>

MR. MERRITT having understood that his hon. friend the member for Sherbrooke, had expressed himself perfectly satisfied with the explanation of the Commissioner of Crown Lands, and that he intended to<sup>54</sup> postpone the matter until the Government have time to come down to the House and report the system they adopt<sup>55</sup>, was confirmed in the conclusion which he (Mr. M.) had arrived at some time previously, that this Committee whose labours it was expected would effect so much, would end just as it had now done--in smoke.<sup>56</sup> The committee (of which he was one) had met and published a pamphlet with all the evidence, and had come to no conclusion upon the subject, precisely as the other day they had come down there, and the hon. member for Glengary put a certain question to the Commissioner of Crown Lands, and asked information as to the mode of conducting the department, and here they were straining at a gnat and swallowing a camel.--They were losing the whole of the lands of Canada and getting nothing for them,<sup>57</sup> either in revenue or population by settlement thereon<sup>58</sup>, as everybody knew. They had been investigating this department since 1844, when he had sat for three months investigating the Crown Lands, and the result

of their labours was--nothing. Then there were four millions of pounds in lands to be applied for any useful purpose. They had endeavored to apply that for common schools, and to call the attention of the Government to it since that time. Now they were waiting for the Government, who are constantly occupied, to find out the system, and all the committees' labours went for nothing. Let anybody look over those public accounts as to the territorial revenue. All the lands they had sold in Canada were gone, and what did they pay this department in? In lands? No; before the Union the department paid its expenses, but it was not so now. The expenses were paid out of timber dues, ferries, and other sources of revenue. Look at the lands they had sold during the year past--they only amounted to 41,000L altogether. Now were we going to continue a system in the department year after year which does not pay its expenses? (Hear, hear.) And were we to go into committee after committee, and result in doing nothing? There was now a system to be adopted by which not one shilling of money should be paid into the Crown Lands Department. It ought to go to the Receiver General. (Hear, hear.)<sup>59</sup>

MR. COM. CR. LANDS CAUCHON said it so went.<sup>60</sup>

MR. MERRITT denied it.<sup>61</sup>

MR. COM. CR. LANDS CAUCHON.--Yes, it was the law of the land.<sup>62</sup>

MR. MERRITT said, if it was, it was an arrangement made recently. (Hear, hear.) Look at the Canada Company and its management. That company came to Canada and paid three shillings per acre for land, and were now getting 200 or 300 per cent. profit. Why should they make a profit of public lands and we not make any. Now he would ask, what were they doing on the other side, in relation to the public lands? The general government had received this year six million[s] of dollars from the lands due.<sup>63</sup> In the State of New York, where they only had a small track of land,<sup>64</sup> they had appropriated the whole of the lands as we had done, and the result was, that the common school fund gets the benefit of it, and that they were now receiving \$500,000 a year out of these lands, while we were reaping the paltry sum of \$12,000 out of ours. These were facts which everybody knew, and why should we not remedy the whole system? Great blame had been put upon the Commissioner of Crown Lands for locking his doors. It would have been a great saving to the country if his doors had been locked a year ago. (Laughter. Hear, hear.)<sup>65</sup> He (Mr. M.) deeply regretted that the hon. member for Sherbrook[e] had consented to withdraw his motion instead of proceeding with it, and pressing for the appointment of a committee in order that the information already obtained may be made available, and this expensive department put into a greater state of efficiency.<sup>66</sup> He had hoped that this investigation would have been carried on, and something tangible carried out, and then let the Government act in the matter. They had no objection to appoint this committee, and it ought to have been gone on with, and the remedy pointed out. Any man of common sense knows that the lands could be sold with a charge of ten per cent. upon the same, and the other ninety be put into the public coffers. Any land agent would do that. Was it to be tolerated that this department should take the whole of those lands away, and nothing be put into the public chest. The matter merited the very serious consideration of this House.<sup>67</sup>

MR. POWELL said as he was not present at the early part of the debate, and (sic) did not fully understand the question. It appears that the member for Sherbrook[e] is disposed to withdraw his motion. It was his (Mr. Powell's) opinion that it was very desirable that there should be a speedy change in our Crown Lands Department<sup>68</sup>



[and] if the committee was moved for, ... he would go heartily for it.<sup>69</sup> The hon. gentleman has alluded to an improvement in the system of Local Agents, but I think the system which should be tried and would be the best would be one which would cause the speedy settlement of those lands and the opening up of the country which such settlement would effect. In the district of the Ottawa, lands have been granted upon certain conditions therein--specified of building and making other improvements. And it had so happened that many parties who had similar limits granted to them, had suffered great loss by the destruction of the timber by speculators (sic) in land, who had entered upon the tract, entering down fictitious names. But the settlement duties had not been performed by them. And this subject he (Mr. P.) had brought before the attention of the Commissioners of Crown Lands, but without obtaining any redress.<sup>70</sup> It was through the mismanagement of agents that the great irregularities of which the country chiefly complained crept in. He knew of a case of an agent who had large timber limits, upon which Mr. McLaughlin, who formerly represented Ottawa city, obtained possession and the title to lots without the performance of any settlement duty, having entered the lots in his own name and those of friends who were prepared to hand them over to him. There was no uniformity of system manifested. In some cases the settlement duty, was rigidly insisted on--in others it was not. This was the case in his constituency.<sup>71</sup> Again there was a want of uniformity as regarded the rights of Squatters. The local agent in his (Mr. P's) neighborhood, acknowledge[d] the pre-emption right of these men; whilst in other cases he ignores them. And in several cases (sic) he knew of lands which had been so settled and under the full expectation of holding the pre-emption right of purchase which had been sold by such agent over the heads of these hardy men who had made the first improvements. He (Mr. P.) had mentioned to the Commissioner of Crown Lands the fact of the rights of these men having been thus ignored, but without obtaining any redress for them. At the same time another agent has refused to sell to parties, at the same time they have produced their receipts for instalments. His reply being "No, I cannot sell to you these lands, they were first settled and cleared by Squatters. The Government have recognised their rights and I must respect them."<sup>72</sup> What he complained of was that there was no uniform practice, but that matters were left to the discretion of the local agents.<sup>73</sup>

MR. COM. CR. LANDS CAUCHON.--No! No!<sup>74</sup>

MR. POWELL.--The hon. commissioner might cry "no! no!"--and it might not be so in theory, or according to rule--but he had papers in his desk to prove that the agent in Carleton had exercised this discretionary power arbitrarily<sup>75</sup> [OR] he had more than twenty papers in his desk from different parties aggrieved, which would fully prove his position, and the continued contradictions which were taking place in reference to such presumptuous (sic) rights. He would tell the hon. Commissioner of Crown Lands that he would best serve the interests of the country by at once examining into and changing this wretched system of contradictions. There ought to be an immediate enquiry into the presumptuous (sic) rights of squatters. He deeply regretted that the hon. member for Sherbrooke did not press on his motion, in order that a Committee may be appointed to collect such information as is open to them upon this subject, so as the Commissioner of Crown Lands and the public may have the whole facts of the wretched system before them.<sup>76</sup>

MR. J.S. MACDONALD (Glengary) said, that ... last year<sup>77</sup> when his hon. friend the member for Sherbrooke moved for this Committee, he had understood that the move had been made for no factious purpose but for the public good, and to aid the Government, and to spread before the country the information necessary to enable the



Government to come down to the House with some improved system connected with our land department. If the investigation which has taken place has enabled the Government and the country to obtain an insight into the matters, then the Committee have not labored in vain. As to moneys lying in the hands of agents, that was a question which required the prompt attention of the Government, and it was also desirable that their accounts should be made out direct to the head of the department. The House was left quite in the dark as to the intentions of the Commissioner of Crown Lands on these points, also, as to the time he proposes to come down to the House with his measure. It did appear to him (Mr. McD.) that the member for Sherbrooke had only come down to aid the Government, since he is now so willing to withdraw his motion upon their promise that they were coming down with a measure of their own. But he would ask when are they coming down with that measure?<sup>78</sup> To prepare and bring in a satisfactory measure during the Session, and transact the other business thrown upon his department,--would be a Herculan (sic) task--to which he was sure the hon. Commissioner with all his energy was unequal. It could at best only be brought in at the end of the session, and would then, no doubt, be held over to the next, to get an expression of public opinion on the subject.<sup>79</sup> No measure could be brought in upon which any action could be taken by this House in time to benefit the country by an improvement in the system. There was no one department of the Government in which the public were so deeply interested as that of the Crown Lands Department, and yet its affairs are so conducted as would lead to the impression that the public had no interest therein.<sup>80</sup> The fact was, no one knew what the condition of the public domaine was; no one knew what timber lands were granted or occupied, or what other lands were for sale.<sup>81</sup> The report of that department only comes down to this House just at the close of the session, and when no action can be taken upon it, nor any enquiry or examination of the extent of the sales of Public Lands, Clergy Reserves, and the receipt from similar.... The system is very wrong, and it was the duty of the Commissioner of Crown Lands to come down with<sup>82</sup> a full report on those points at the commencement of each session.<sup>83</sup> It had been truly remarked by the hon. member for Kincardine [Mr. Powell] that there was a great want of system in this department and especially as to the right of squatters, who settle upon the lands, as soon as, or even before survey (sic), and hence difficulties arise as to who are the first occupants of the lands. Confusion had arisen from affidavits, and counter affidavits had been sent in, hence arises many difficult questions which have to be settled.<sup>84</sup> It was often difficult to decide between the rights of contending claimants--one man cutting trees and doing settlement duty on one end of a lot sometimes, while another did at another end. It was not surprising that the decision of the agents, in these cases, sometimes gave rise to dissatisfaction.<sup>85</sup> The question arises, how is this to be remedied? Have the Government prepared any remedy? It cannot be remedied by leaving the dispute in the hands of the local agents, but may be by a system of reporting upon the claims to the head of the department, who should act promptly therefore and carry out the decision with firmness. In many cases sales had to be cancelled or suspended because the information upon which such had been effected was found to be fictitious hence no man was safe in his transactions with our Provincial Lands Department. The House was at present left completely in the dark as to the intentions of the Government. Yet was it most anxious to know what plan they were prepared to come down with in reference to squatters on the public lands in the Province. Great dissatisfaction had arisen in the new counties of Grey and Bruce, on the Saugeen, and in other townships.<sup>86</sup> He was told that the Saugeen territory, which was to have been exposed to sale last fall, had been almost entirely taken possession of by squatters, and that nearly all the surveyed but unsold lands in Western Canada were in the same position.<sup>87</sup> These lands are in their possession and they are disposing of their presumptive rights to

others. Hence in a very short time the land speculators will have these very valuable lands in their possession. Deeply as this House and the country were interested in these matters, he very much feared that this important question would not again be brought up during the present session. It is possible that the Government may propose some scheme to this House, but he very much feared that it would not be brought down in time for the House and the country to examine fully into the rotten state of the present system. It was highly desirable that an immediate change should take place in the system upon which our land sales were conducted so as to prevent them getting into the hands of avaricious speculators and to place them on easy terms in the hands of the industrious settlers.<sup>88</sup> There were so many difficulties connected with the whole system that the appointment of a committee was very desirable.<sup>89</sup>

MR. MACKENZIE believed the greatest land jobbers and land speculators in the country, were members of parliament. (Laughter, and cries of hear, hear.) Sir Francis Head had said so 20 years ago, and Bishop Strachan 30 years ago, and he believed they spoke the truth. He praised the labors and ability in the investigation of matters of finance of the member for Sherbrooke.<sup>90</sup> He regretted that the hon. member for Sherbrooke, was not pressing his motion, as the committee of last year had been very useful.<sup>91</sup> The difficulties and hardships which these squatters had to contend with were numerous, and their complaints had frequently been brought under his notice; one of the squatters who in 1837 was amongst the band that rallied round the Government, had recently applied to him (Mr. Mackenzie); he sent him to Mr. Spragge and from him to the Commissioner of Crown Lands, and subsequently (*sic*) he had accompanied him to the Crown Land[s] Department, but without being able to gain any redress of his wrongs. He (Mr. Mackenzie) had then drawn up a Petition to the Governor General,<sup>92</sup> and Lord Bury acknowledged the receipt of the petition in his Excellency's behalf. Six weeks after he called at the Crown Lands Office, and they had heard nothing of the petition there. He petitioned again and again. The receipt of the petition was acknowledged, with a statement that it had been handed over to the department; but all was of no use.<sup>93</sup> He (Mr. Mackenzie) had a strong feeling in favour of these squatters, who entered upon the occupation of lands of the Province, opening them up and improving them--they were not only forwarding their own interests by their industry and their toil, but they were greatly benefitting the country generally. Such men, he thought, should always be supported, for it was these early pioneers who were the making of the country, and from their labours sprang the Villages, Towns, and Cities of our Province, (hear, hear.) Mr. Mackenzie here referred to the absence of any good resulting from Mr. Boutillier's report--spoke of some assistance he had endeavored to render a settler of the name of Johnson, and he had learnt from him of some gentleman's speculations, who had got some 2,000 to 3,000 acres of land, at the same time such men as Johnson, and many other such poor industrious settlers could obtain no redress after years of application, toil and heavy expense. Such had been the case with a settler from England, who has been waiting long without being able to gain redress.<sup>94</sup> The Committee had found Agents 7, 8, or 9 months in arrears with their accounts; and he believed Agents speculated themselves, or were in league with speculators.<sup>95</sup> From the first time that ever he (Mr. M.) had entered the Crown Land[s] Department, he had been fully convinced of the slovenly manner in which its business was conducted, and such was the case up to the present time, and it was not to be wondered at when hon. gentlemen were content to take their 6,000L a year as heads of departments, and instead of attending to their duties were wandering over Europe, admiring its woodlands and its beauties. Such being the case, how could it be expected that they could attend to the duties of their department. He

(Mr. Mackenzie) had made enquiry for the Commissioner of Crown Lands, and was replied to that he was gone to Europe. He then had occasion to enquire for the hon. Inspector, and he was replied to that he was gone to Europe. When he enquired for the Superintendent of Education, he was told that he was in Europe. Such was very wrong, but he trusted that the discussion which had taken place upon this question, would lead to some good results, as there was very great room for improvement in most of our public departments, and in our Crown Lands' Department especially, and he did hope that the hon. gentleman who had brought this motion forward, would press it onward--that he would go through all the offices of the departments, and he was convinced that he would effect a great reform in all of them<sup>96</sup> [OR] he hoped the Committee of Accounts would go thoroughly through all the departments, and create a reform if they could.<sup>97</sup>

MR. SOL. GEN. H. SMITH, in reply to the hon. member for Lincoln, (Mr. Merritt),<sup>98</sup> said he should be very sorry for it to go to the country, that the department of Crown Lands did not even pay its own expense[s]. In the absence of the Commissioner of Crown Lands, he would remark that so far from this being the case the department yielded some 6,000L to 7,000L last year over and above paying all expenses<sup>99</sup> [OR] last year the revenue was 130,000L beyond all expenses.<sup>100</sup> He perfectly agreed with the hon. member for Sherbrooke that the committee had not proceeded and resulted in some good. If the hon. gentleman had proceeded with the enquiry of that Committee, he was quite sure that the House and the Government would have been glad to secure his report, at the same time that he (Solicitor General Smith) was fully prepared to receive a suggestion for some better plan for the sale of the public lands of the Province.<sup>101</sup> He thought hon. members who had spoken had forgotten the difference between departmental regulations and provisions laid down by law. If power was given to the Commissioner by law to settle the grievances complained of, he could do so by departmental regulations.<sup>102</sup> He was of opinion that such suggestion would come more appropriate from the department itself than from any action of the Legislature. The suggestion which had been made that the moneys should be paid into some bank or to one of its branches was a good one; and this plan, if adopted, would be a check upon the local agents, who could be paid their percentage upon the amount thus paid in. It should also be understood that the country could not sustain any loss from these local agents, as<sup>103</sup> they had all given security for 2,000L, and were not allowed now to get far in arrears. They were generally men of character and not likely to be guilty. He had heard he must confess however a great deal about Local Agents throughout the Country being leagued with speculators<sup>104</sup>. This was highly reprehensible, and the attention of the hon. Commissioner of Crown Lands was drawn to it, no doubt he would look into the matter. He (Solicitor General Smith) was only aware of one case where a local agent had sold land to the prejudice of the occupants thereof. It had been represented, and he believed redressed. There could be no doubt that those parties who settled upon and improved the public lands of the Province should in all cases have the preference of purchase at the hands of the Government. It had afforded him much pleasure while listening to the remarks which had fallen in the course of this debate, and he had no doubt that when the subject was again brought up for discussion the Government would be assisted by the House in carrying out such a measure as would meet the wishes of the country.<sup>105</sup>

MR. YOUNG controverted the statement of the Solicitor-General as to the revenue of the Crown Lands Department.<sup>106</sup> A correct statement of the expenditure of the department did not appear in the Public Accounts<sup>107</sup>. In 1854, the territorial revenue was 102,000L. The apparent deduction for collections was 31,000L, but in the miscellaneous expenditure there was another 50,000L, which should properly have been



charged against the territorial revenue. And deducting the timber dues, he believed it strictly true that the department created an annual loss to the country. (Hear, hear.)<sup>108</sup>

MR. COM. CR. LANDS CAUCHON in reply to Mr. Young said, that the amount realized for land sales last year was 127,000L<sup>109</sup> [OR] the total revenue this year would be over 129,000L.<sup>110</sup> The expenses of the department were no doubt great. The expense of surveys had been large, but it was impossible to prevent that. He believed that 1,600L had been paid for surveys during the year. Some of these it was found were made where the lands were good for nothing, but he had taken means to prevent any recurrence of that for the future. There then was the expense of the Department, which was heavy, as a large staff of officers was required. But taking the whole into consideration, the means of the Department was very much above its expenses. That he would be able to show when the subject came before the House.<sup>111</sup>

MR. FERRIE, in allusion to the remarks of the Solicitor General,<sup>112</sup> said he had made application at the Department for information and could not get it, because the local agent had not reported for fourteen months. How was this if they reported once a month.<sup>113</sup>

MR. COM. CR. LANDS CAUCHON.--Who was it?<sup>114</sup>

MR. FERRIE.--Mr. Ely.<sup>115</sup>

MR. COM. CR. LANDS CAUCHON.--He has been dismissed for that reason.<sup>116</sup>

MR. SOL. GEN. H. SMITH said the hon. gentleman had misunderstood him. He stated it was the duty of the agents to make returns monthly. He could not say whether they did so or not.<sup>117</sup>

MR. FOLEY did not intend to say anything upon this question, but as it has been stated one agent had been dilatory in making his returns, he had been told that gentlemen (sic) had been dismissed without any reference being made to him as to the truth or falsity of the complaints made against him, while other gentlemen equally guilty of the same dereliction of duty have been retained in office, although the fact has been brought before the notice of the Department.<sup>118</sup> [He] would not undertake Mr. Ely's defence; but<sup>119</sup> he thought that the same sort of justice meted out for one gentleman who was an opponent of the Administration, should be meted out to another, although he was friendly to that Administration.<sup>120</sup>

MR. SICOTTE the SPEAKER again put the question<sup>121</sup>.

MR. A. DORION of Montreal ... [made] some remarks<sup>122</sup>.

MR. GALT then withdrew his motion, on the understanding that the object which he wished to accomplish would be contracted in the measure which the head of the department had promised.<sup>123</sup>

(106)

*Mr. Antoine Aimé Dorion moved, seconded by Mr. Charles Daoust, and the Question*

(107)

*being proposed, That this House will immediately resolve itself into a Committee, to take into consideration the following Resolutions:--*



1. *That the Laws which now regulate the mode of granting Tavern Licenses and Licenses for the sale of spirituous and fermented liquors are insufficient, and that it is expedient to provide in a more efficient manner by further enactments for the prevention and repression of intemperance.*

2. *That no person ought to be permitted to sell spirituous or fermented liquors in less quantities than three gallons, without having first obtained a License for that purpose.*

3. *That the exclusive right of granting such Licenses ought to be vested in the Councils of the Local Municipalities, with power to make By-laws to determine the manner in which Licenses ought to be granted for the regulation of Taverns and other places in which spirituous or fermented liquors are sold.*

4. *That no Tavern License ought to authorise the person holding such License to retail or furnish intoxicating beverages or spirituous or fermented liquors to any but travellers or persons residing more than six miles from such Tavern, and to persons lodging at or boarding in the said Tavern.*

MR. AT. GEN. DRUMMOND objected to the resolution[s] being put, on the ground that all the revenue accruing from the Tavern Licenses had already been appropriated to specific purposes, and the resolutions provided no equivalent to be devoted to those purposes. Anxious as they were to promote any measure that might successfully repress Intemperance, he did not know whether the Government would consent to the introduction of those resolutions, seeing they made no provision to secure the revenue. He understood his hon. friend from Sherbrooke (Mr. Felton) was about to propose resolutions which were not open to that objection.<sup>124</sup>

MR. A. DORION did not consider that shops for the sale of liquors were established for the purpose of raising a revenue. He did not think it right to encourage the sale of intoxicating liquors for the purpose of raising a revenue, no matter how the licenses might be appropriated by Government.<sup>125</sup> But even supposing that was a reason why they ought to be encouraged, he held that his resolutions were not open to the objection now raised, as they merely regulated the mode of granting licenses.<sup>126</sup> Public opinion was agitated on the subject; petitions were pouring in from Lower Canada asking for a stringent license law--from U. Canada asking for a prohibitory law.<sup>127</sup> It was the object of his resolutions to test whether a majority of the House were in favour of a Prohibitory Law, or a more stringent license system<sup>128</sup>, [and] to come to some determination as to how this license system should be established.... The honorable gentleman here repeated his resolutions and commented upon the principles which they affirmed.<sup>129</sup> The principle of his resolution[s] was that none but local municipalities could grant licenses, but that the funds should go to the Government. He would not tempt the municipalities to grant licenses by giving them the revenue. Liquor should only be sold to travellers and persons living at a distance from the inn.<sup>130</sup> There was a necessity for going into committee on this matter, because there was a strong opinion in favor of a Maine Law both in Lower Canada and in Upper Canada, and there was also a strong opinion in favor of a better regulation of the present law. He had presented petitions himself on this subject<sup>131</sup>, [and] he had caused a petition, signed by 22,000 people, to be printed<sup>132</sup>. A great number of the people of Upper Canada--he should think 25,000 at least--have petitioned in favor of a Maine Liquor Law, so that he did not think a subject which had caused so much excitement should be overlooked by the House. He understood that his honorable friend (Mr. Sanborn) intended to move ... [an] amendment to his resolutions even more stringent than those resolutions. He had waited for several days in order that the committee of which that honorable member was chairman might be prepared to take up the question.<sup>133</sup>

MR. POST. GEN. SPENCE agreed with the hon. member for Montreal that there was a strong feeling out of doors on the temperance question. There was perhaps no one subject in which the people of Canada were more deeply interested than in this. His own opinions were known on this question. He went for a Prohibitory Law, and would not be satisfied with one merely regulating Tavern Licenses.<sup>134</sup> He did not go for any enquiry whether the revenue would be injured by a prohibitory law, because he believed the general revenues of the country would not be injured, but that on the contrary they would be greatly improved. He would like the hon. gentleman to postpone his resolutions at present, while the Committee which had been appointed to take up that question were prepared to report, and he (Mr. Spence) hoped their report would be a prohibitory Liquor Law.<sup>135</sup>

MR. AT. GEN. DRUMMOND said that all the members of the Government felt that the law in relation to this matter was not in a satisfactory state. They all admitted the existence of the evil, and that there was none perhaps requiring more immediate reform<sup>136</sup>, but they differed about the mode.... Two of his colleagues--the Post Master General and Sol. Gen. Smith--were in favor of a prohibitory law.<sup>137</sup> Not being able to agree as to the proper remedy, they were not disposed to throw any impediments in the way of the solution of the question in whatever mode might be most agreeable to the majority of the House.<sup>138</sup> At the same time he thought it necessary to call the attention of the House to the fact that these licenses in so far as Lower Canada is concerned, are appropriated, to a certain purpose. He had no objection to the Committee; but he hoped that they would not report a Maine Liquor Law, against which he was sure a majority of the House would go, as it would introduce dangerous principles into the Legislature. If the license system be still kept up he was sure that the House would go into full consideration of the matter. But at the same time they would not hind (sic) themselves to any resolution which might be brought in. He simply wished it to be understood that the Government did not pledge themselves to<sup>139</sup> any resolutions the House might adopt, but would take into future consideration their bearing.<sup>140</sup> He believed his friend (Mr. Felton) was prepared to bring in a series of resolutions which he thought would me[e]t the views of the majority of the House, and also of the Government on this question.<sup>141</sup>

MR. SANBORN said the question appeared to him to be of that importance that it deserved the early and the mature consideration of the House. In the first place, as between the License principle and the Prohibitory principle, he could not believe that the House would allow the paltry amount the revenue would suffer, even were the licenses taken away altogether, to be in the way of a measure eminently calculated to ameliorate society, and improve the morals of the country; and whatever (sic) therefore might be the decidedly expressed opinion of this House, he was willing to believe that the Attorney General and the Government would be prepared to carry it out. During last session the question of Prohibition was distinctly brought before the House, and a very decided majority voted in favour of the principle.<sup>142</sup> Feeling that these gentlemen who gave their votes at that time so distinctly, and maintained them, and persevered in the adoption of the principle have not changed their minds upon that important subject, he was prepared to move an amendment to the resolution[s] now before the House asserting the principle of prohibition.<sup>143</sup> (Hear, hear.) He was aware that some were disposed to urge that events had transpired since last session which were calculated to change the minds of the people of this country on the question. He did not think there was anything to warrant such a feeling. It was true that there had been a change in the political action of that State where the law originated.<sup>144</sup> Every effort has been made by the opponents of that law to thwart i[t]s operations in that State, and every device has been resorted to, to

bring about a change in its working.<sup>145</sup> Some unfortunate circumstances also had occurred in the city of Portland, which had rendered the person identified with the law as its originator, to a certain degree unpopular<sup>146</sup>, and the friends of the cause had lost the last election<sup>147</sup>. But there were many currents and under-currents in the politics of the United States, which none but those intimately acquainted with them could understand. Yet any one who had travelled through that State and knew what was public sentiment there could not fail to come to the conclusion that there was a strong and decided majority of the population of Maine in favor of carrying out the law. And what was the change which had been effected? They had not repealed the law. They dared not repeal the law. They knew it would have been political suicide for the party in power to have attempted to do so. They only sought to modify it, but if they introduced such modifications as injured the principle, he was satisfied they would be hurled out of office, and others brought in who would restore the law to its primitive purity,--(Hear, hear.) And it should be remembered that in all those States the influence of the great cities was brought to bear against the rural population unfavourably to the law. It was in that respect (sic) a question of interest and selfishness against principle.<sup>148</sup> There are many engaged in the trade, who have a direct object in preventing the operations of the law. All these varied circumstances have been brought to bear to prevent the operations of that law in the States; but independently of all these he had no doubt whatever of the ultimate success of that measure wherever it is in operation; and he had as little doubt that it would ultimately prevail throughout all communities.<sup>149</sup> (Hear, hear.) It might be said that public feeling had changed here. What evidence could be produced of that? Was it to be found in the fact that day after day since the House assembled, petitions for a Prohibitory Law had been pouring in upon them by the yard, he had almost said by the rod? (Hear, hear.)--These petitions, signed by hundreds and thousands, demanding a Prohibitory Law, showed that the people would never rest quiet until they got it. (Hear, hear.) He believed the opposition to the law emanated chiefly from the cities. Now, cities possessed great influence, and deserved to do so, as the great marts of commerce; but he believed it would be found that the most salutary reforms emanated from the country, from the rural population, who, when they became satisfied of the necessity of any measure for the well being of society, petitioned for it, and persevered until they obtained it.--(Hear, hear.) It was said that this was a measure for the rich and not for the poor. He held that it was not so, but that it was the license law which was a law for the rich and not for the poor. And if they still further restricted licenses, and made liquors more difficult to be obtained and at a higher price, they did not strike at the rich but at the poor. On the other hand, if they prohibited the liquor traffic entirely, they struck a blow as well at the luxury of the rich as at the indulgence of the poor. (Hear, hear.) It was said, again, that the law could not be carried out.<sup>150</sup> But that is no argument whatever. The same argument may be urged against every law. Every law can be carried out only by public sentiment, by having a majority of the intelligence and integrity of the people in its favour. He would maintain that as they had petitions from all parts of the country in favour of this law, they had before them the only evidence that they could obtain that the country is in favour of this measure. If they have a strong evidence that such a law is required they have the strongest possible assurances that the law will be carried out.<sup>151</sup> If anywhere it proved a failure to a certain extent, it would be in the larger cities and towns, and even there he trusted to the gradual correcting of public sentiment for its ultimate enforcement. (Hear, hear.) And, in legislating in Canada, they had the precedent of the law having been recently enacted in New Brunswick, and being carried there even further than the bill that was introduced in the Canadian Parliament last Session; for it not only prohibited the traffic and



manufacture, but the importation of intoxicating liquors. He would not longer detain the House as he knew that every member had made up his mind on the question, but he felt that he would not be performing his duty as chairman of the Temperance Committee, or as a member of this House, if he did not offer the following amendment:--

"That the committee of the whole be instructed to enquire into and report upon the following resolution, viz:

"That it is expedient to prohibit by legal enactment, the traffic in intoxicating liquors for use as a beverage."<sup>152</sup>

MR. HARTMAN seconded the amendment.<sup>153</sup>

MR. FELTON approached the subject with some diffidence, as he intended to take a different course this year from what he had done last.<sup>154</sup> The hon. gentleman said he though[t] he gave every proof of sincerity last year in advocating the cause of prohibition. He was satisfied at the commencement of the Session that there was a large majority of the House in favour of prohibi[ti]on, though he did not think there was an actual majority of the country in favour of it, although unquestionably the majority of the intelligence of the Province were in favour of the principle. Although upon the first division which occurred upon this question ths (sic) principle was supported by a large majority, yet that majority gradually diminished until the measure was finally voted out. That circumstance alone would lead one naturally to enquire whether it was right to bring this subject forward again without due consideration. After considering the matter fnr (sic) some time--after seeing the notice put forth by the prohibitionists of the Province, that a great meeting was to take place in Toronto in October last, and which he understood was to prepare a Bill that would be satisfactory to the whole Province, he would say that he was very much disappointed with the results of that meeting. (Hear, hear.) He did not, however, mean to say that it was not serviceable or that it did not produce good results. But instead of giving them a distinct bill upon which all parties would be agreed, they got nothing of the kind. They found a good deal of agitation, but not one single word to indicate the general opinion of what that bill should be. Under those circumstances he would confess that his views had very much changed. He now approacnod (sic) that subjoct (sic) with some degree of difficulty and hesitation. That difficulty arises from the fact that there has been a wrong revulsion of feeling upon the subject in the neighboring States.<sup>155</sup> He honoured the member for Compton (Mr. Sanborn) for his consistency<sup>156</sup> in regard to the principles of prohibition. And if he did not venture to follow him on this matter, as he would have formerly done, it was because he thought the time had not come to press this question--to press it now, they would do so inoppor[tune]ly, and would weaken the cause instead of strengthening it. He was satisfied they would have a smaller majority than they had last year, and the result would be they will be weaker before the country and before the world. He was satisfied that they ought to adopt a different course now, and that this House ought to adopt a very stringent license law. He would put every possible check upon the abuse of spirituous liquors, short of entire prohibition, and if they were prepared to carry out a stringent license law, and if the people of the country were prepared to carry it out, he was satisfied that they would be better off than by attempting to carry by a narrow and bare majority, a prohibitory law, which could not be carried out. He was satisfied that if a law was carried out by a large majority in this House it would be more effectually carried out in the country than if passed by a small majority. He would assume that his friends on the opposite side could carry their measure by a small majority, but what would be the consequence of passing a Bill by a small majority? The consequence



would be that it could not be carried out successfully--because the fact of a Bill being passed by a bare majority would show that the people were not prepared to carry it out. Suppose that the prohibitory principle could be so far carried out, they must anticipate that there will be a speedy revulsion of feeling against it. Suppose it to be carried by a majority of 10 or 15, there would be assuredly a reaction next year, and that reaction would have the effect of causing the repeal of that very measure, and if it was repealed<sup>157</sup>, [it] would put the question back a dozen years<sup>158</sup> [and] it would be destructive to the cause, as they could never hope even to have a stringent license law. He considered it much more conducive to the end desired to have a stringent license law passed than to have a prohibitory (*sic*) law weakly carried out.<sup>159</sup> He did not deal with the question with a view to its influence on his position as a politician, but he appealed on it to the good sense of the House. Hon. members should deal with it according to their own conscientious views. Many had come into Parliament pledged Prohibitionists, but they were not bound to press the question at this moment, if they thought their doing so would injure the object they had in view.<sup>160</sup> In a matter of this kind they should not think simply of what their constituents might think of them, but what they sincerely believed was politic and right.<sup>161</sup> So far as he was personally concerned he would say candidly that he represented a constituency in which the majority of the people are opposed to prohibition, but the most active, the most intelligent majority are in favor of it. And the state of his constituency he considered was a pretty fair indication of the state of feeling in the Province on this question. He would be prepared to carry out the principle of prohibition but he did not think this was the time. He respected the sincerity and the good feeling of those who advocated prohibition, but while he would say that, by taking a stringent license law [they] would show more wisdom than by taking the whole at once. Whether it is proper to take that course or not he would leave to the House to determine.<sup>162</sup> The course he proposed to take, himself, was to do what he could to procure a stringent License Law, guarded against every possible abuse. He would not only prevent the sale to drunkards and other improper parties, but he would prevent the adulteration of Liquors<sup>163</sup> by deliterious (*sic*) drugs of every description. This is a subject of very great importance. With this view he ... brought forward his resolutions although he would have preferred doing so at a future period. The hon. gentleman concluded by moving<sup>164</sup> in amendment that the following resolutions be sent to the committee of the whole:--

"1. That it is expedient to provide more effectually, throughout this Province, for the suppression of intemperance, and of the abuse of spirituous liquors, by adopting practical and stringent regulations for the granting of spirit, shop, and tavern licenses, by effectively preventing the sale of spirituous liquors, contrary to law, or by improper persons; and by affixing due punishment to the crime of drunkenness, and to the sale of spirituous liquors to drunkards and to persons of immature age.

"2. That licenses should be granted in Upper and Lower Canada by Revenue Inspectors, with the written consent of the Township or Local Councils, and of the County Councils; and only to persons producing a high rent property, security for their good conduct, and obedience to the regulations provided for dealers in spirituous liquors.

"3. That it is expedient that all dealers in spirituous liquors of every kind be required to take out a license for the sale thereof, either in a shop or tavern, and that it is expedient to increase the license fees, and to proportion the same to the population of the locality where the shop or tavern is to be kept.

"4. That a committee of eight members be appointed to prepare the means of carrying the foregoing resolutions into effect, with power to report, by bill or

otherwise, to the House, and that the said committee do consist of Messrs. Solicitor General Smith, Hartman, Laberge, Chapais, Jackson, Price, and the mover."<sup>165</sup>

[The amendment was] seconded by MR. STEVENSON<sup>166</sup>.

MR. MACKENZIE said that, when the Speaker decided last year that the Prohibitory Law should not go on, the friends of the Law held a meeting, at which the learned gentleman who had just spoken was present. He did not then understand that hon. gentleman's course, but as they grew older they grew wiser, and he could now understand why the hon. member threw cold water on the efforts of himself and his friends to proceed with the Bill, notwithstanding the Speaker's decision. But the hon. gentleman did not tell them then, as he had told them now, that he had changed his mind, and did not intend to carry the measure farther. It was most astonishing last session to see the zeal with which Mr. Felton took up Mr. Malcolm Cameron's Bill, and tried to make political capital out of it among his friends in the Townships. (Order!) Of course they all wanted to get political capital, by which he meant the good will of the public, and the learned gentleman tried to catch it last session in one tack. And now he set his sails in the other direction. It was a most extraordinary proceeding, and he thought the learned gentleman should have left it to some one else to take up the position he now did. (Hear, hear.)<sup>167</sup>

MR. STEVENSON was glad the Attorney General had said the Government would not interfere. He went on to state his reasons respecting Mr. Felton's amendment.<sup>168</sup> [He] was of opinion that no sacrifice was too great to get rid of the evil of Intemperance. But<sup>169</sup> [he] had given considerable attention to the subject of a prohibitory law, and the more he examined the project the more he became convinced of its impracticability. Such a law had been tried in several of the neighboring States, and had been found wanting. And he felt perfectly satisfied that a similar result would follow the enactment of such a measure in this Province. It was extremely difficult--if not impossible, to carry out a law like this--which was opposed to the feelings of such a large portion of the people of the Province. (Hear, hear.) When the law stamped such a traffic as an offence, few people scrupled to evade the law.<sup>170</sup> In the States, having the law, liquor was obtained almost as easily as without it.<sup>171</sup> It would be much more satisfactory to try a stringent License Law. If a large number of the municipalities would carry out the law enabling them to prohibit the sale within their own bounds, they would be in a better position to judge how a general Prohibitory Law would work.<sup>172</sup> If the measure proposed by the hon. gentleman (Mr. Felton) were passed, and carried out in its integrity--in his opinion, it would be far more productive of good than the Prohibitory Law had been in the State of Maine or any other State in the Union.<sup>173</sup>

MR. A. DORION of Montreal thought that if the honorable gentlemen only considered [them] for an instant, they could not adopt the amendments proposed by the honorable member for Sherbrooke. The honorable gentleman then considered some of the amendments. Among them, he referred to one at the end of the first resolution, which stated that "due punishment should be given to the crime of drunkenness." By this law,<sup>174</sup> he [Mr. Felton] declared that drunkenness was a crime, and that the drunkard was to be punished, but he nowhere in his resolutions or in his Bill, gave a definition either of a drunkard or of drunkenness. He did not say whether the drinking of one, or two, or three, or four glasses of brandy constituted drunkenness.<sup>175</sup> Was the man who got drunk twice a year to be called a drunkard, as well as the man who ... got drunk twice a day? The honorable gentleman should have been more definite (*sic*), and told them how the crime of "drunkenness" was to be determined.<sup>176</sup>

Six o'clock having struck, MR. SICOTTE the SPEAKER here left the Chair.<sup>177</sup>

[After the recess,]

MR. A. DORION resumed and spoke at some length against the amendments of the member for Sherbrooke.<sup>178</sup> Mr. Felton's Bill had been laid before the House and in it the amount of the fines for the violation of the law had not been fixed, so that it was impossible to judge of its principles.<sup>179</sup> He went on to say that ... the object of this measure sketched out in the resolution[s] of Mr. Felton was not to graduate the cost of ... license according to the business done, but<sup>180</sup> according to the population of the place where the tavern or shop was opened. On the same principle he should graduate the fine, making it double in large towns what it was in small.<sup>181</sup> At any rate, it was the mode in which he proposed to regulate the amount of security which the holders of the license were to give. He could not see the justice of this, and confessed he could not at all comprehend the principle of the amendment of the member for Compton [Mr. Sanborn].<sup>182</sup>

MR. PROV. SEC. CARTIER asked leave to bring up the report of the Superintendent of Education for Lower Canada, and would move that the report be printed and translated--that 4,000 copies be printed in French and 2,000 in English.<sup>183</sup>

MR. SICOTTE the SPEAKER said that the motion would as a matter of course, have to be referred to Printing Committee. Any motion for an extra number of copies, should be referred to that Committee.<sup>184</sup>

MR. PROV. SEC. CARTIER explained that only 1,000 extra copies were asked for. 5,000 copies were usually printed for distribution; but the Superintendent of Education had suggested the necessity of printing an extra 1,000 copies this year.<sup>185</sup>

After some further explanations between MR. SICOTTE the SPEAKER and MR. PROV. SEC. CARTIER,<sup>186</sup>

MR. S. SMITH (Northumberland) said a change had come over the mind of the hon. member who last year introduced the Prohibitory Law. He was something like that hon. member himself. He did not entertain exactly the same opinions now as last year.<sup>187</sup> Unlike the member for Wolfe [Mr. Felton], his opinions instead of being less strongly in favor of the law, had been strengthened during the recess.... He admitted a decline in the support which had been accorded to the measure during the last session. But this did not alter his views.<sup>188</sup> Every day's experience confirmed his impression that it was necessary to apply some strong remedy for the suppression of intemperance. It was said the Law would not accomplish all that they desired, but the least they could do was to attempt to reach the evil if they could. The existence of the evil was admitted on all hands, and the necessity for legislation was equally admitted. Public opinion had so far advanced that no one would now pooh, pooh the thing as formerly. Every member of the House was now willing to address himself to the work of providing some remedy. The bill of last session did not go far enough to meet his views, but he hoped a Bill that would strike at the root of the evil would be brought in by the committee this session. He would not only fine a man found drunk or violating the provisions of the law, but he would render him incapable of holding office for a twelvemonth longer. He would place him on the same footing as the man who steals or commits any other criminal offence, and he gave his word for it that that would have a salutary effect in checking offences against the law.<sup>189</sup> Then he was sure drunkenness would decrease.<sup>190</sup> Hon. gentlemen might say it could not be carried out, and that it did not work in the United States, and that there was a reaction there.<sup>191</sup> He was not such an admirer of the



United States that he would not be led away to condemn the Maine Law because it had failed there.<sup>192</sup> He believed the people of this country were more steady than the population of the States, and that if the Bill was passed, there was no fear but the people of Canada would give it a fair trial. He had no faith in a modification of the License Law, and it was clear from the petitions laid before the House that that was not what was wanted by the people of this country.<sup>193</sup> For his part, he would vote for the amendment of Mr. Sanborn<sup>194</sup>.

MR. HARTMAN approached this subject with great hesitancy. Not that he was unprepared to advocate the principles that he advocated last year, or that he agreed with the hon. member who had just spoken, who had shown the white feather, or that he had lost any confidence in the principles advocated last Session, but when he looked at the difficulties they had to overcome and saw the success that had crowned the efforts of the parties engaged, and which success had been so well pointed out by the gentleman who had just spoken, instead of having any reason to change their course, he thought that they had every reason to hope for success and be encouraged.<sup>195</sup> [He] lectured Mr. Felton for abandoning his Prohibitory Bill, and called in question the motive which had occasioned the change in his opinion.<sup>196</sup> The hon. gentleman who introduced the measure last year secured for himself the highest encomiums from all parts of the country, as had been witnessed, and completely evidenced by the Temperance organizations that sprang up throughout the country. Had a single petition been presented to the House this Session against a Prohibitory Law? With the exception of two petitions from brewers against the Liquor Prohibitory Law, (hear, hear,) not a single individual in the whole Province of Canada had even asked the Legislature to withhold its assent to the bill of last Session. There was no petition asking for a License Law.<sup>197</sup> On the other hand a day had not passed without one at least, often ten or more, praying for the prohibitory law. He believed there must be at present at least 20,000 in favor of that measure<sup>198</sup> [OR] petitions, signed by no fewer than 60,000 persons, had been laid before the House. He justified the action of the Temperance Convention held in Toronto, which had been ridiculed by some members<sup>199</sup>. The Convention ... had expressed no doubt as to what had taken place in the House, but had they expressed the doubt which some of them felt, they would have been confirmed in it to-day in thinking there had been faithlessness on the part of those who professed to be favorable to the law. He believed there would be a very small defection, whereas on the contrary many members would take the ground for the men of Victoria. He denied that the Maine Law had failed in the United States. It had succeeded in the State of Maine, and though its opponents had been elected in that State they did not dare to attempt its repeal. In Vermont and New Hampshire the reaction had been quite the other way. In Massachusetts it was the same. In Rhode Island they were prepared to adopt it. In Connecticut there was not a single place where liquor was sold openly. In New York, in spite of the decisions of the Courts, the law was carried out in the Rural districts.<sup>200</sup> At all events its result was to put an end to drinking in public and drive tipplers into drinking in private.<sup>201</sup> The law, therefore, was no failure. But, if it were, that would be no argument against it. Had not every licence law been a failure? If there had been failures, let it at least be a failure in a worthy attempt. To give the power of refusing licences to the municipalities would have no effect, since the efforts of half a dozen municipalities to suppress the sale of liquor, might always be neutralized by one municipality in the neighbourhood declining to adopt the plan of prohibition.<sup>202</sup> If we are ever to get rid of intemperance it must be brought about by a stringent legal enactment for the whole country. That was the only plan of crushing it.<sup>203</sup> He closed by congratulating the House, and especially the hon. member for Wolfe, on the very clear manner in which he had defined his position.--He



pretended to be still in favor of Prohibition: yet he was now ready to vote for the licenceship of a system which he had declared last year to be the greatest evil to which humanity could be subjected. Next year the gentleman would perhaps, be in favor of free trade in liquor. He could only conclude that the gentleman was not sincere now or was not sincere last session. However, he trusted he would feel from the decision of the House that night that the question was an opportune one for passing the law, notwithstanding the doubt he felt on it.<sup>204</sup>

MR. LORANGER supported the views taken by the hon. member for Wolfe. He [Mr. Felton] had seen that the Maine Law could not stand, and that from what took place in the House last session, the majority of the House was against it. At the first reading of the bill, everybody voted for it. At the second reading the number was less numerous. In committee the votes were less again.--At the third reading, Mr. Speaker had expressed himself against the law, and he was supported by a large majority of the House. He (Mr. Loranger,) thought that that was sufficient indication of the sense of the House on the subject.--Public opinion outside of it was against it.--(Hear, hear.) Some few newspapers, which he supposed were the organs of the measure might speak in favour of it, but he was convinced that the great majority of the press was against it, and the conclusion to be arrived at was, that public morality was against the bill. (Hear, hear.)--In view of that state of public opinion, should hon. gentleman (sic) stand upon the floor of that House, as the last hon. gentleman had done, and taunt the hon. member for Wolfe with having abandoned his measure, and say "the last session you were in favour of cold water, and this year you are in favour of good liquor?" The hon. member for Wolfe had seen that it was useless to introduce a law against public opinion, and he had accordingly modified his bill<sup>205</sup> [and] proposed to take a stringent license law as the best measure that could be got. Every journal of note in the country had sustained the decision of the House, and it was evident that a prohibitory law, if passed, could not be carried into effect.<sup>206</sup> These remarks he intended to apply to the amendment proposed by the hon. member for Compton, who was in favour of the measure. The question was between the amendments of the hon. member for Montreal, and the amendment to it by the hon. member for Compton.<sup>207</sup> As to the other amendment, he thought that between it and the original motion there was nothing but a question of detail.<sup>208</sup> He would vote against ... [Mr. Sanborn's] amendment, just as he voted against the Maine Law last session. He was sure that the number of members against the prohibitory law had doubled and tripled since last year, and they would come forward now to record their votes against it.<sup>209</sup>

MR. JACKSON did not think that the discussion should turn on personalities. If he understood the hon. member for Wolfe, that hon. gentleman had not changed his opinions. It would seem that his present course was adopted more as a matter of expediency than one which he believed to be the most correct. He (Mr. J.) regretted that the hon. gentleman had introduced his amendment. The only amendment of which he approved, was that of the hon. member for Compton. For it was calculated to test the feelings of the House, with reference to the enactment of a prohibitory law. (Hear, hear.) The amendment of the member for Montreal was much the same as that of the member for Wolfe, and affirmed a principle which he considered untenable. (Hear, hear.) As to his own opinions, he (Mr. J.) would say they had remained without change. He now felt more convinced than ever of the necessity and practicability of a prohibitory law. From one end of the Province to the other, they had received petitions, praying for this law. And although it was true that signatures might be obtained to those petitions from parties who were indifferent to the measure; still it was also true that such persons would in the long run be found

giving in their adhesion to the law. The very fact of signing the petition evinced them to be somewhat in favor of the law, even although they had not taken up the question on principle. He was quite aware of the difficulties which stood in the way of the enactment of such a law. But he was prepared to face those difficulties, (hear, hear.) He was quite aware that this law had been characterized as an interference with the habits of a large portion of the people of the Province, and as a violation of the established usages of society. They were also told that they were endeavoring to pass a law which would be very extensively evaded;<sup>210</sup> that if the law could not be carried out, its enactments--its effectual opposition, would tend to lower the standard of public morals, and the general spirit of obedience and reverence for authority. It was, therefore, attempted to introduce into the measure a clause to accommodate it to the opinions and feelings of the people.<sup>211</sup> These were some of the difficulties which he was prepared to look in the face. And in order to surmount those difficulties, it had been proposed virtually to abandon the measure. Now, he was free to confess there were many difficulties in the way. But he could not see how that fact affected the principle of the measure. He still felt fully persuaded that the only sound legislation on this subject was entire, absolute prohibition. (Hear, hear.) In the event of not being able to carry out such a measure, they might fall back on a stringent license law. It would be an approximation towards the desired end, and pave the way for a still more stringent measure. As an argument against the adoption of a prohibitory law, they had been told that it had not worked well in the States<sup>212</sup>. If even it had not worked well among that people, he did not consider that an argument against its enactment in this country. If there were peculiarities in regard to them which had occasioned the failure of the Maine law, it would better befit them to consider those obstructions, so as to avoid, rather than at once resolve against the possibility of obviating them here.<sup>213</sup> Whatever difficulties there were in the working of the law in the States--they did not, in his opinion, at all affect the principle of the law. But even in regard to the question of its observance, hon. gentlemen should bear in mind that there were differences in the character of the people of both countries. The people of this Province are much more law-abiding than those in the States; and he believed that if the law were once enacted, its requisitions would be readily complied with. (Hear, hear.) He did not believe that the gloomy forebodings indulged in by the hon. gentlemen opposed to the measure could be realized. In all probability, the law would be eminently successful. Having made the law, there was something almost instinctive in the people of the Province which led them to obey it. As he had previously stated, he had no doubt whatever of the abstract right of the principle of prohibition. Hon. gentlemen opposed to the measure had endeavored to frighten them by predicting an enormous loss of revenue if this law were enacted. But such predictions were groundless, nor was there any force in the argument that it would trench on a fund which had been appropriated for meeting the exigencies of the country. To that argument it would be sufficient to reply<sup>214</sup>, that the House has the disposal of the whole revenue of the country, and that if they trenched upon a particular fund, or diminished its expected amount by any ulterior dispositions,<sup>215</sup> they were bound to supply the deficiency from the ordinary sources of the supply. (Hear, hear.)<sup>216</sup> The very objectors to the law appeared to recognise the necessity of applying a rigorous license law to the exigencies of the case. But he maintained that the prohibitory enactment was advisable, to carry off temptation, and remove the excitement to infringements of the law.<sup>217</sup> He had another objection to the measure proposed by the member for Wolfs (*sic*), and that was that it would inflict a more severe punishment on the drunkard,--on the man who was but the victim of this traffic. Now he had no great faith in reformatory measures. He had no faith in trying to remedy the defect--but he believed in removing the cause which led to this

evil of drunkenness--in accordance with the old maxim, "Prevention is better than cure."<sup>218</sup> An amended license law might be an approximation to the state which they all so much desired to bring about, but it was his conviction that nothing would be effectual short of a measure of absolute prohibition. If the House adopted the proposition of the hon. member for Compton, they would still be at liberty to follow out their convictions in regard to the other propositions before them. He would not make a strong argument of the conduct of members on this question, nor impeach their consistency in regard to any change of views which any hon. member might have adopted. These, however, had nothing to do with principle; all had a right to their opinion, but the principle of the question remained unassailable.<sup>219</sup>

MR. MARCHILDON spoke in French in favor of Mr. Dorion's resolution.<sup>220</sup> [Il] croit qu'au lieu de passer une loi pour toute la Province, il serait plus convenable de laisser aux municipalités le droit de se prononcer pour ou contre les lois de tempérance. Ces conseils connaissent en effet les besoins de leurs localités respectives et sont sûrs de satisfaire les désirs des populations qui les entourent.<sup>221</sup>

MR. FELTON addressed the House, in reply more especially to the remarks of the hon. member for North York [Mr. Hartman]. He had, he said, at the outset, stated what was his object, and he had in no respect changed his views. He was as much convinced as ever of the correctness of the principle of a prohibitory law, but for the sake of carrying a measure which would at least be a repression upon intemperance, he was induced to change his plan of procedure, and fearful of not succeeding in getting the whole measure of prohibition he was fain to accept the amended license law as an instalment. He did not think that he ought on that account to be represented as being placed in circumstances of suspicion. He had been taunted that "a change had come over the spirit of his dream." He denied that he had undergone any change in his opinions.<sup>222</sup> He said that when public opinion was against a measure it was the duty of members to give way.<sup>223</sup> Members of parliament were always liable to get misrepresentation from persons who thought themselves more perfect than others.<sup>224</sup> He would ask of the hon. member for North York whether it were better for him to fall short in his original aims, or to leave the question where it was? Was it better to pursue a course which circumstances had shown would lead to practical results, or to endeavour what was at present impracticable? There was such a thing among politicians as the maintaining [of] an impracticable course upon a popular question merely to hold up oneself so much the more securely and so much the longer to the observation of the people. Which, however, was the true principle for a public man? to adhere to the advocacy of an impracticable good, or to take so much of an intended benefit as was really and undoubtedly practicable? He would not, himself, pretend to such pure impracticable virtue. Every public man, he maintained, was bound by his position to get for the people all he could. The hon. gentleman who had spoken last but one thought otherwise. But he would ask them, was the government of the country to stand still till they could all come round to the same opinion?<sup>225</sup> Was there to be no legislation because these impracticable views of the member for York stood in the way of it.<sup>226</sup> Was it a correct position for a politician to take in regard to any measure, that he would have all or nothing? On such a principle how could legislation proceed on other questions?<sup>227</sup> He (Mr. F.) stated last year, and he would state it now--that anything that would limit the sale of spirituous liquors he would vote for.<sup>228</sup> The hon. member for York was, like others, wanting in charity. The measure now proposed would have its effect, if carried out by the people. That hon. member had talked of 30,000 people having petitioned. But he begged to observe that none of these had



petitioned for his own measure. They asked for<sup>229</sup> a license law to prohibit<sup>230</sup> both the sale and manufacture of liquor in the province. This was not the measure of the hon. member, who was indeed only one step ahead of himself in his support of the present measures. If, however, he still wrapped himself up in his purity, what was to be said of his supporters? Last year there were 80,000 of these: now he himself only spoke of 30,000: in adopting the sentiments of these, he must be prepared to give up two thirds of his opinion, as well as of the number of his adherents.<sup>231</sup> He was horrified at such inconsistency in so pure a patriot.<sup>232</sup> The hon. member then went on to justify the modification of his views, and his co-operation with parties who aimed at less than he himself did, by the necessity of the case, and the universal practice of members on other points of politics. He argued that many members who supported the coalition were not favourable to coalitions as an abstract principle. He instanced also in the municipal law of Lower Canada, which many members who could not entirely approve its features still, on the whole found themselves constrained to sustain. In regard to reaction he was not so much afraid of that, if once the measure were passed. He made an allusion to a "particular bill" (which he was called on to name, but declined to do,) on which the opinion of the people had been expressed with violence, yet the law had been carried out. Let them wait a little longer, and they would be able to pass the prohibitory bill. If thwarted in their present purposes, and compelled to stop short of their wishes, let them still try to keep their hold on the public mind. Last year the tide had drifted towards success, and it was the part of prudence for them to push the measure<sup>233</sup>. The States took up prohibition movements; and it was taken up here too.<sup>234</sup> Now it appeared to be at ebb. They could not prudently embark with the whole current of opinion against them. Last year they had the enormous majority of 35; it had diminished upon every stage of the proceeding, and had at last come to nothing.<sup>235</sup> He was surprised at the tone assumed by members in this House to-night. He thought that it was hopeless to think of passing such a law. (Cries of "No, no," "Yes, yes.") He had spoken to the hon. member for York--who thought himself the liquor law--on the subject, and he did not think that the law would ever pass the House. He (Mr. F.) had satisfied himself that a prohibitory law would never pass this House,<sup>236</sup> and the persons who led him to this belief were those very gentlemen who now reproached him with the course he had adopted.<sup>237</sup>

MR. HARTMAN asked whether the member for Wolfe had not put his motion on the paper the first day he came to parliament and before he had spoken to him (Mr. Hartman) on the subject.<sup>238</sup>

MR. FELTON had not spoken at first to Mr. H. for he thought him too immaculate a person to change his views even a little, but when he did speak to that gentleman he was quite surprised to find how much he had changed his opinions.<sup>239</sup> There was no probability of carrying a prohibitory law through the present House. Could they then leave this country for one, two or three years with no provision on the subject?--There had been something said about their not failing if they got a naked majority, but he was of opinion that with a small majority (sic) only in their favour, they never could carry out the provisions of a prohibitory act. The act itself would be waste paper. He apologized for having addressed the House at greater length than he had intended, but it was necessary for him to notice the observations which had been addressed to him more particularly by the hon. member for North York.<sup>240</sup>

MR. RANKIN said, that no subject had ever been brought forward before the House, whereupon so much cant, clap-trap, and humbug had been displayed as in this

evidence. (Hear, hear.) If it was desirable that the use of liquors should be done away with, why not abolish it altogether, and make it a penal crime for a man to sell anything which intoxicates?<sup>241</sup> Although it may be argued with much justice that intoxicating liquors are not necessary for man, still he was of opinion that as it was vain to expect to make men Christians by Act of Parliament, so it was equally vain to expect to make them sober by the same means, if the principles of morality, soberness and Christianity, were not inculcated from a higher source. He was of opinion that if men were not restrained by the well known and general belief that intoxication is an offence against the laws of God, it is in vain to attempt to correct the evil by Act of Parliament. It was not his wish to call in question the motives by which men were actuated, but<sup>242</sup> his friend (Mr. Larwill) had placed in his hands some notes, on which appeared the words "bunkum, economy, 10,000L, and women and children (sic)." He understood him to mean this,<sup>243</sup> in the first place ... that the speeches which had been made, were characterized by a considerable quantity of what may be truly designated Bunkum. Secondly, that during its discussion, the public would be put to an expense of 10,000L<sup>244</sup> [OR] that the country had been put to the expense of 10,000L upon the subject of this discussion last year<sup>245</sup>. And thirdly, that the majority of the petitions which had come up before that House were signed by women and children, who were mostly under control and influence<sup>246</sup>, for he could not bring himself to believe that any large number of the male inhabitants of the province would give their consent to the passage of a bill which would only operate as an additional inducement to those who took liquor, to take a double quantity.<sup>247</sup> Mr. Rankin then exposed the duplicity carried on under the Maine Law system--argued that the measures to be adopted, to be successful, must be open. It had been argued that stolen waters were sweet, and it was well known that many young men would do things secretly which they would blush to do openly. Yet the principle of the Maine Liquor Law did lead to deception, and would be the occasion of subterfuges, which would encourage, rather than suppress the vice of intoxication, and he would instance one fact well known<sup>248</sup>. He had seen in the State of Maine persons carrying flasks in their pockets, lettered holy bible, and in the shape of books, from which they drank liquors; and it was by way of ridicule asserted that that holy book intoxicated them. (Hear, hear.)<sup>249</sup> Such being the secret subterfuges which are resorted to, it may naturally be supposed that many will be led to indulge in the vice thus secretly provided for, who otherwise would not have had the courage to indulge in it openly. If the advocates of this measure would come forward with a Bill to utterly abolish the manufacture or introduction of alcohol into the Province, he (Mr. R.) would support it, but he was determined to oppose any Bill which only partially took away the opportunity of sales by one party while it permitted them by others.<sup>250</sup>

MR. POST. GEN. SPENCE said for a number of years the Legislature had been trying to regulate the liquor trade. Hon. members had that night expressed serious doubts as to the hopelessness of prohibition, but for his part he could not agree with them. He felt confident that nothing but prohibition could cure this wide-spread disease. Year after year, a tinkering process had been gone through with a view of regulating the trade, so as to destroy the evils resulting from intemperance. If they looked at the Statute book, it would be found to contain some of the most stringent laws that could be desired. But these laws had proved totally ineffectual<sup>251</sup>, and could not be carried out. He referred to the law of 1850, that of 1851 and the amended law of 1852. We had at present a prohibitory liquor law, but it was made to depend upon municipal governments. In some parts of the country these by-laws had been passed, but they were inoperative<sup>252</sup>. (Hear, hear.) Every remedy tried hitherto had been found to fail; and he thought the time had now arrived when

they should decide on an efficient prohibitory liquor law. (Hear, hear). He was sorry to see that the honorable member for Wolfe had changed his mind on this question. Last year no man was more zealous and active in behalf of a prohibitory law than that hon. gentleman. And he (Mr. Spence) regretted exceedingly to see him pursue his present course; for the reasons he had assigned for adopting that course where (sic) anything but sufficient to justify him in doing so. That hon. gentleman said a great change had taken place in that House and also in the country, with reference to this measure. But he (Mr. Spence) was not aware of any such change having taken place. On the contrary, he was of opinion that the majority in the House favorable to a prohibitory law, would be greater this year than last. (Hear, hear.) Nor was the country less in favor of the measure. As the hon. member for the North Riding of York had remarked, not one solitary petition had been presented against the law; but on the contrary, public opinion was shown to be strongly in favor of a prohibitory measure. (Hear, hear.) And he knew of no better way of testing the question, than by enacting the law, and thus trying the law-loving and law-abiding qualities of the people. In thirteen States of the neighboring Union, this law had been passed, and he was not aware that it had been repealed in any one of them. But he had a stronger case in point. In New Brunswick a prohibitory law, which had received the assent of Her Majesty, had been passed and was now in operation; and in the capital, St. John's, the result of the first month showed a decrease of 80 per cent in intemperance. He could prove, from abundant testimony, his assertion that this law had been working well in the sister Province of New Brunswick. This fact was worthy of notice, and calculated to give strength and encouragement to the friends of temperance in Canada. The people of this Province were not, surely, more lawless than their fellow colonists of New Brunswick. In England, public opinion was now growing in favor of a prohibitory law.<sup>253</sup> He had, for himself, no confidence in the attempt to regulate a trade which is wrong in itself, productive of the greatest evils, inducing drunkenness in Canada<sup>254</sup>. He thought there was no difference worth notice between the resolution of Messrs. Dorion and Felton but like Mr. Jackson<sup>255</sup>, he believed that absolute prohibition was the only right course, and that they had a right to prohibit an evil which our good men of all classes pronounce to be the great prevailing one of the country. (Hear, hear.) And in place of punishing the individual who is the victim of the infamous system, so terrible in its consequences, they should take away the cause and save the wretched inebriate from its vitiating tendency. (Hear, hear.)<sup>256</sup> The evil cannot be eradicated by any other method. Their only plan was to declare that the sale of the article was wrong--that it was wrong to tempt those who are incapable of regulating their passions and appetites--that it was wrong to do that which we have the highest medical testimony to show is poisonous in its effects and injurious to the community. (Hear, hear.) The cost to the country by drunkenness was enormous. It was absurd to talk of the paltry 70,000L or 80,000L lost to the Exchequer, when the loss of labor in the country from intemperance, was taken into account. He felt assured that that loss was upwards of \$4,000,000. The money expended in rum, brandy, &c., under the present system, would under a prohibitory law, be laid out in tea, and sugar and silks, thus preventing any loss to the Exchequer. But even if the[y] did lose by it, would any man attempt to maintain that they ought to make a revenue out of a practice that was wrong? Surely not. He had been reading the other day of the course pursued by the late Inspector General, His Excellency of Barbadoes in this matter. He declared that the excise duty should never stand in the way of such a law, and that the amount of that duty was comparatively small. The time had arrived when the Canadian Legislature should come to a similar determination--when they should, in compliance with the unanimous opinion of the country, try a prohibitory law, and he felt satisfied that the law-loving people



of the country would support it. In conclusion, he would only say that he would oppose the amendment of his hon. friend. Excellent as his speech had been to-night, he had made a much better one last session, in favor of prohibition, and he hoped that when the hon. gentleman found out his mistake, he would again<sup>257</sup> ally himself with a band of temperance men in that house, and lend his exertions to as good a prohibitory liquor law being passed as that of last year.<sup>258</sup> (Applause.)<sup>259</sup>

MR. YOUNG regretted the evils of intemperance as much as any member of the House, but he did not think a Prohibitory Liquor Law the best means of securing the object in view. The Legislature of the country had, in his opinion, a great deal to do with the intemperance of the country. In 1851, there were 98,000 gallons of whiskey imported into the country, and in 1854 the quantity amounted to over 760,000 gallons--an enormous increase in the space of three years. Then with regard to this importation, whiskey was admitted into this country at a duty of 12½ per cent, and while this was the case as regards ardent spirits, they excluded the importation of that which would not intoxicate--the low priced wines of the continent<sup>260</sup> of Europe. (Hear, hear.)<sup>261</sup> In the importation of these low priced wines, they adopt the principle of specific duty, which amounts to about 150 per cent upon the original cost. In travelling upon the continent of Europe you never see any man intoxicated, but when you go to England, or Scotland or to Canada, it is quite the contrary. This was no doubt the result of the principle of importation. If they would put 100 per cent upon whiskey imported, and a heavy excise upon its distillation in this country, and make the cost of it higher, and put a duty of 20 per cent ad valorem upon these low wines,<sup>262</sup> a taste would be brought about for drinking the light wines of Europe, and which would supersede the use of ardent spirits.<sup>263</sup> The effect of cultivating a taste for those wines would be to moralise the people; and if water were absolutely the best, people were much nearer water when they drank light wines than they were now when they drank whiskey.<sup>264</sup> He did not believe they could promote any moral strength in individuals by means of legislation. Virtue arises from internal conviction, and whenever that is strong,--and it can only be strengthened by conflict with evil by bringing it into contact with intemperance, it will resist the temptation. If half the zeal displayed in regard to prohibition, were displayed in drawing parties who indulge in intoxicating drinks away from their vicious haunts, the effects would be decidedly beneficial. Look at Quebec, where such a number of sailors and raftsmen come every year, and yet there is not a single Home there where they can drink a cup of coffee and see the newspapers. The case is the same at Montreal. We make no exertions to remove those evils. Look at Toronto, where a large number of sailors come every year. Where can the poor men go--where can they get decent society except in the taverns.<sup>265</sup> The way to improve people was not to force them, but lead them a better way.<sup>266</sup> If a different course of legislation were adopted, if they would exert themselves in education and in the admission of these foreign wines at a cheap rate, and put a high duty upon the importation and manufacture of whiskey, he had no doubt that very different results would be obtained.<sup>267</sup> Il est donc en faveur des propositions de M. Dorion.<sup>268</sup>

MR. LABERGE spoke at length (in French) in opposition to a prohibitory law.<sup>269</sup> [Il] croit qu'il y a beaucoup d'intempérance dans le Haut-Canada, ce qui n'est pas le cas parmi la "race inférieure" du Bas-Canada; et c'est peut-être à cause de cela que l'opinion publique dans cette dernière partie de la province n'est pas en faveur de la loi du Maine. Si cette loi est nécessaire dans le Haut-Canada elle ne l'est pas dans le Bas. Les meilleurs amis de la cause pensent qu'une telle loi est plus propre à tuer qu'à propager la tempérance, et la conviction morale et les devoirs religieux sont les meilleur[e]s garanties de la vertu. Il nie que l'ivrognerie soit

générale en Canada; et quant à l'opinion publique dont on a parlé, chacun sait que le ministère est le très humble serviteur de l'opinion publique, et cependant deux ministres seulement sont en faveur de la loi. Que les membres du Haut-Canada passent cette loi pour leur section de la province s'ils le veulent, mais qu'ils ne l'imposent pas au Bas-Canada qui n'en veut pas.<sup>270</sup>

MR. POWELL warned the House against the course it had taken last session; he then voted with the minority against the bill from the first, but he was convinced<sup>271</sup> that a majority of those who voted for the Prohibitory Law were not in favour of the measure at heart. And he was borne out in that by the fact, that by a contemptible trick, the measure was thrown overboard. He hoped the same clap-trap system would not be followed this year, but that those honestly in favour of Prohibition would vote for it, and that those who were of a different opinion would as honestly oppose it. For his own part, he believed that if the traffic and manufacture of liquor within the Province were prohibited, they would have to maintain along the frontier a staff of revenue officers which few now dreamed of. The question of compensation to those who would be injured by the law, was another matter that should not be lost sight of. He was fully alive to the evils of intemperance, but he did not think a Prohibitory Law was the right mode of suppressing those evils. They should not pass a law which could not be carried out.<sup>272</sup> The hon. member then attended to the reaction that had taken place in the State of Maine, where the law he said was a complete failure. And he believed that if attempted here it would also prove a failure. The people of Canada were not prepared for such a law; and it would be dangerous to all law to attempt to carry it out.<sup>273</sup> [It] would be regarded as a most arbitrary interference with individual liberty.<sup>274</sup> The Legislature had passed a law against secret societies, but it could never be carried out--it remained a dead letter, because it was repulsive to the genius of the people. And so he believed it would be with a Prohibitory Law. But if the principle were affirmed by a majority of the House, he would unite his efforts with those of others towards carrying it out.<sup>275</sup>

MR. WILSON said it had been frequently remarked that we could not make men virtuous by legislation, and it was objected that that was the object of the P[r]ohibitory Liquor Law. He did not think it was. The argument for that law was, that so long as places were kept open for selling liquor, temptations were held out which could with difficulty be resisted, and the object of the law was to remove these temptations. It was said again that it was useless to pass the law because it would be evaded and broken. It might just as well be said that the statutes against stealing should be repealed, because year after year thefts were committed. He did not deny that the Liquor Law might be evaded in a mean and contemptible way, by having a flask labelled the Bible, as mentioned by the hon. member for Essex (Mr. Rankin.) He had himself seen a flask labelled the Pilgrim's Progress, and he thought the pilgrims drinking out of it were making considerable progress in the wrong way. (Laughter.) The hon. member for Montreal (Mr. Young), accustomed to look at everything in a commercial light, accused the Government of encouraging intemperance by regulating the tariff in such a way as to prevent the introduction into this country of low-priced wines. He presumed the hon. gentleman had forgotten that the genius of the Anglo-Saxon people was not to go from stronger drinks to weaker, but from weaker to stronger, and he believed that the hon. gentleman's sour cheap wines, even if introduced, would be extremely unpalatable to those who had been accustomed to drink ardent spirits. The member for Essex, forgetting his usual good taste, had told the House that, if the petitions were closely inspected, it would be found that most of them were signed by women and children. And, supposing

it were so, he should like to know if the petitions of women and children, in a matter so deeply affecting them, were to be disregarded, or spoken of lightly in this Legislature? On whom did intemperance bring most misery? Was it on the neighbourhood? No! but on the families of those who were addicted to it, and those who thus felt the evils of intemperance, were entitled to tell the House that they felt them, and were not to be sneered at for doing so. (Hear, hear.) He did not say that it was possible to remove the evil altogether, but the principle of Prohibition, if affirmed by the Legislature, would strike at its root. It was of no use to do anything short of that. They might impose what regulations they pleased on the traffic, but short of Prohibition they would be of no avail.<sup>276</sup> He regarded the Maine Law as a wise measure, at the same time,<sup>277</sup> he agreed with the member for Carleton, (Mr. Powell), that the question of compensation should not be lost sight of. He considered that no Legislature, guided by a proper regard to principle, could pass such a law without making compensation to those who would be injured by it. But if compensation should be awarded, it would be as nothing whatever, not to be weighed in the balance for a moment with the advantage that would result from a Prohibitory Law. He had understood the member for Iberville (Mr. Laberge), to say that public opinion in Lower Canada was not in favour of anything of the kind. If that were so, Lower Canada must have changed much very lately, for it was not many years since they understood that that section of the Province was all in motion for it.<sup>278</sup>

MR. PROV. SEC. CARTIER.--So they are all for it yet--not for the Maine Law but for Temperance. They do not want to chain men.<sup>279</sup>

MR. WILSON.--Then it was only a question as to the mode, and for his own part he agreed with those who were of opinion that the only mode of ensuring temperance was Prohibition. And the sooner that principle (sic) was carried out in a properly considered measure, the better.<sup>280</sup>

MR. J. SMITH ... pointed out the inefficiency of the license laws. The liquor trade could not be regulated; it must be prohibited. He had once thought differently, but had seen good reason to change his opinion.<sup>281</sup> [He] considered that so long as they allowed the traffic to go on, in whatever way they regulated it by a License Law, so long would they fail in the object they aimed at of suppressing intemperance. If there had been any reaction on this question, it had been in this House, and not out of doors. And he did not think the member for Wolfe (Mr. Felton) was justified in giving up his own view, and setting himself to carry out the views of those who might be termed the moderate men.<sup>282</sup> Those who were in favor of prohibition should vote for it, and those who went for a license law should see what they could do.... He did not like to place himself in the ranks of those who advocated a change in the license law. Believing that prohibition was the only way to strike at the root of the evil, he was sorry to see the friends of prohibition so much divided.<sup>283</sup> If it were proved by the vote to-night that the moderate men were in a majority, he would assist them in carrying out their views as the next best thing to Prohibition, but he would not consider himself warranted in introducing a bill for them himself.<sup>284</sup> The manner in which the bill had been thrown away last session had given a great deal of dissatisfaction.<sup>285</sup> He thought the Government, in a matter of such importance, should have assumed the responsibility of introducing a measure. The feeling in the country, he believed, was even stronger in favour of a Prohibitory Law this year than last year. And if matters did not progress more rapidly in this House, he would not be surprised if the people took another mode of accomplishing the object they desired, by sending to Parliament a majority of



temperance men, men who would carry through such a measure, because in accordance with their own conscientious convictions.<sup>286</sup> He trusted in conclusion that there would be a majority in favor of a prohibitory law.<sup>287</sup>

MR. BELLINGHAM referred to the fact that the whalers in the Arctic and Atlantic oceans never used ardent spirits, contenting themselves with a cup of hot coffee in lieu thereof.<sup>288</sup> The lumber men of the Ottawa, who encountered very great hardships, never taste liquor now while at work; it was only when they come to the great cities where they were not saved from the temptation of indulging to excess in intoxicating drinks. He concurred in the views of the hon. member for Montreal (Mr. Young.) He deprecated the English plan of drinking spirits; a habit which must lead to the deterioration of the race.<sup>289</sup> In this country the liquors were of such a class, that those who took them, were not made drunk, but were poisoned. He was in favour of a coercive measure, although he knew that there were many whom it would not reach. He did not believe that the twenty thousand Macdonald's of Glengary would ever be coerced into giving up their whiskey.<sup>290</sup> (Laughter.)<sup>291</sup>

MR. J.S. MACDONALD was astonished at the audacity of the hon. member (order) in accusing twenty thousand McDonal[d]'s of drinking whiskey. He verily believed that if they heard him, they would be inclined to think that the hon. member himself was, at the present moment, somewhat the worse of the evil he sought so strenuously to remove. (Order.)<sup>292</sup> He believed the constituents of the hon. gentleman who had just spoken had been drinking too much whiskey when they sent him to Parliament. (Laughter.)<sup>293</sup>

MR. FERRES was of opinion that the House had been engaged the whole of the evening in a farce, as it was manifest that those customs which a people had so long indulged in they would still continue to enjoy, no matter what stringent law may be passed against them.<sup>294</sup> He thought the example of the United States showed that the thing was an impossibility.<sup>295</sup> One hon. member thought they should pass the law nevertheless, for they passed laws against theft, though stealing still went on. He would ask hon. members if the whole population or nearly all were engaged in thieving, would it be of any use to pass laws against it?<sup>296</sup> This law would be resisted, however stringent, because it was considered opposed to the spirit of the laws which should guide a free people. The matter should be left in the same way it was in Lower Canada, to the good sense and Christian and moral feelings of the people. They practised temperance principles there, but they did it of their own accord, and they are not so far lunatic as to try to force temperance upon the people by law.<sup>297</sup>

MR. AT. GEN. DRUMMOND, thought there was some principle upon which they could agree in order to restrict the use of these liquors. The resolutions of the hon. member for Montreal, (Mr. Dorion), and the hon. member for Wolfe, (Mr. Felton), had the same object in view although the resolutions were somewhat different. The resolution proposed by the hon. member for Montreal is to go into committee for the purpose of establishing a stringent liquor law--a law under which all taverns licensed to sell spirituous liquors would be placed under severe control--a law which would have for its object to put down the traffic with those persons who have an inordinate thirst for liquors. His friend from Sherbrooke had the same object in view, though as to details, his resolutions are different. He would suggest to his hon. friend for Wolfe, to withdraw his resolutions, in order that the committee may be organized, and take into consideration the resolutions of his hon. friend from Montreal, and when in committee, he could then propose his resolutions if he saw

fit. He trusted they would be enabled to concoct such a measure as would meet the general approval of the House. He trusted that the majority of the House would never give their sanction to such a law as the Prohibitory Liquor Law. He thought that such a law would have the effect of all tyrannical and despotic laws, it would be null and void, for it would be utterly impossible to carry it out. What had they seen in those places where such a law was enacted? His hon. friend from Glengarry and he in travelling through the States where that law was in operation, saw bars open, without any license--without any power on the part of the State to interfere or to control the sale of those liquors. Did not they see, that although the Maine Liquor Law was in existence, every man ... [came] to the bar and ask[ed] for what he wanted, and paid for it without concealment? He believed, however, that these bars were not a good example to the people of Lower Canada; but at the same time, bad as they are, he would prefer to see the people of Canada in the present position rather than in the position of the people of the United States. He would prefer to see men go openly forward to violate the law rather than see them going down into dark cellars where they are allowed to drink as much (sic) liquor as they pleas[e]--for darkness in such a case has to the human mind the attraction of mystery--thus adding to the ... vice of drunkenness the vice of hypocrisy, which is the worst of all. He trusted that the people of Canada would not shrink from doing, what they may consider they may do, before the eyes of the world,--and that the law will not interfere to impose morality upon those who are not disposed to practice it. The principles of morality are to be found in the Gospel and in the Christian religion, and he thought it impossible for Government to impose restrictions upon the people in regard to the use of liquors which would be reconcileable (sic) with that system. He thought that if the power to dispose of spirituous liquors was only allowed to those taverns and places of public entertainment where travellers resorted,--if such were the case, they would see, in a short time, all those low grogeries, those tippling shops disappear, and they would see, to a great extent, morality and temperance established in the land. Add to that, the moral suasion which would be exercised by the friends of temperance, and they would see the many evil results of intemperance disappear. Being entirely opposed to a prohibitory liquor law, but being strongly in favor of the most stringent license law that can be brought before this House, he trusted that all hon. members in favour of moderate measures would declare so this night. He was not in favour of those sumptuary laws which, if carried out to the full extent, would deprive them of the means of exercising their religion, whatever it may be--because if you make it a crime for a man to drink rum, you make it equally a crime for him to practise his religion. You lay down a principle of despotism which may bear the most bitter fruits in this country. He did not think such a law was in accordance with the principles of the British constitution. It was a law that had arisen in the United States under an outburst of public opinion and public clamour. He was not astonished that there should be men in this Legislature, and men outside of this House, in favour of a prohibitory liquor law, taking into consideration the fearful evils of intemperance; but he thought that these men had not too well reflected upon the consequences. He thought they were too anxious to obtain their end without considering the danger of the means they must employ to obtain that end. He therefore hoped that his hon. friend would withdraw his resolutions, and allow this committee to be organized upon the resolutions of the hon. member for Montreal. By this means the two sections of the House, those for prohibition and those for a stringent license law, would try their strength.<sup>298</sup>

MR. FELTON expressed his willingness to follow the counsel given by the hon. Attorney General.<sup>299</sup>

MR. MACKENZIE.--I object to the resolutions being withdrawn, and if one member objects they cannot be.<sup>300</sup>

MR. INSP. GEN. CAYLEY did not rise for the purpose of prolonging the debate, or of discussing the merits of the question at that hour of the night, but as allusion had been made to the revenue collected from the duties on wines and spirits, he thought it right to state that in his opinion the two questions should not be mixed up--that the propriety of enacting a prohibitory liquor law should be discussed upon its merits, and that in the event of its being decided in the affirmative, he had no doubt that the House would lend their assistance to supply the deficiency from some other source, and ensure the requisite provision for the public service.<sup>301</sup>

A division was then taken on the amendment moved by Mr. Felton<sup>302</sup>.

(107)

Mr. Felton moved in amendment to the Question, seconded by Mr. Stevenson, that all the words after "Resolutions" to the end thereof, be left out, in order to add the words:--

1. That it is expedient to provide more effectually, throughout the Province, for the suppression of Intemperance, and of the abuse of Spirituous Liquors, by adopting practical and stringent regulations for the granting of Spirit, Shop, and Tavern Licenses, by effectively preventing the sale of Spirituous Liquors, contrary to Law, or by improper persons; and by affixing due punishment to the crime of drunkenness, and to the sale of Spirituous Liquors to drunkards, and to persons of immature age.

2. That Licenses should be granted in Upper and Lower Canada by Revenue Inspectors, with the written consent of the Township or Local Councils, and of the County Councils; and only to persons producing a high real property security for their good conduct, and obedience to the regulations provided for dealers in Spirituous Liquors.

3. That it is expedient that all dealers in spirituous liquors of every kind be required to take out a License for the sale thereof, either in a shop or tavern, and that it is expedient to increase the License Fees, and to proportion the same to the population of the locality where the shop or tavern is to be kept; instead thereof;

And the Question being put on the Amendment; the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bowes, Brodeur, Burton, Cameron, Cartier, Cauchon, Cayley, Clarke, Crysler, Jean B. Daoust, Dionne, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Masson, Meagher, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Pouliot, Powell, Price, Rhodes, Solicitor General Ross, Stevenson, Thibaudeau, Turcotte, and Whitney.  
--(43.)

(108)

NAYS.

Messieurs Aikins, Bell, Bellingham, Biggar, Bourassa, Brown, Bureau, Chapais, Chisholm, Christie, Church, Conger, Cooke, Cook, Daly, Charles Daoust, Darche, Delong, Desaulniers, Jean B.E. Dorton, Antoine A. Dorion, Dostaler, Ferrie, Foley, Frazer, Freeman, Gould, Hartman, Holton, Jackson, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Marchildon, Matheson, Merritt, Munro, Niles, Papin, Patrick, Poulin, Roblin, Rolph, Sanborn, Scatcherd, Solicitor General Smith,



Sidney Smith, James Smith, Somerville, Southwick, Spence, Wilson, Wright, Yeilding, and Young.--(57.)

So it passed in the Negative.

And the Question being again proposed, That this House will immediately resolve itself into a Committee, to take into consideration the following Resolutions:--

1. That the Laws which now regulate the mode of granting Tavern Licenses and Licenses for the sale of spirituous and fermented liquors are insufficient, and that it is expedient to provide in a more efficient manner by further enactments for the prevention and repression of intemperance.

2. That no person ought to be permitted to sell spirituous or fermented liquors in less quantities than three gallons, without having first obtained a License for that purpose.

3. That the exclusive right of granting such Licenses ought to be vested in the Councils of the Local Municipalities, with power to make By-laws to determine the manner in which Licenses ought to be granted for the regulation of Taverns and other places in which spirituous or fermented liquors are sold.

4. That no Tavern License ought to authorise the person holding such License to retail or furnish intoxicating beverages or spirituous or fermented liquors to any but travellers or persons residing more than six miles from such Tavern, and to persons lodging at or boarding in the said Tavern.

Mr. Sanborn moved in amendment to the Question, seconded by Mr. Hartman, That the words "and that the said Committee be instructed to inquire into and report upon the following Resolution:--That it is expedient to prohibit by legal enactment the traffic in intoxicating liquors for use as a beverage," be added at the end thereof;

And the Question being put on the Amendment; the House divided; and the Names being called for, they were taken down, as follow:--303

(108-109)

YEAS.

Messieurs Atkins, Bell, Bellingham, Biggar, Bourassa, Brown, Bureau, Chapais, Chisholm, Christie, Church, Conger, Cooke, Cook, Daly, Darche, Delong, Desaulniers, Jean B.E. Dorion, Dostaler, Frazer, Freeman, Gould, Hartman, Holton, Jackson, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Mattice, Merritt, Munro, Niles, Patrick, Poulin, Roblin, Rolph, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Wilson, Wright, and Yeilding.--(50.)

(109)

NAYS.

Messieurs Bowes, Brodeur, Burton, Cameron, Cartier, Cauchon, Cayley, Clarke, Crysler, Charles Daoust, Jean B. Daoust, Dionne, Antoine A. Dorion, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Guévremont, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Marchildon, Masson, Meagher, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Papin, Pouliot, Powell, Price, Rhodes, Solicitor General Ross, Stevenson, Thibaudeau, Turcotte, Whitney, and Young.--(51.)

So it passed in the Negative.<sup>304</sup>

Then the main question being put; the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Bowes, Brodeur, Brown, Bureau, Burton, Cameron, Cartier, Cauchon, Cayley, Chapais, Clarke, Cooke, Crysler, Charles Daoust, Jean B. Daoust,

Darche, Desaulniers, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Freeman, Guévremont, Holton, Jackson, Labelle, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Marchildon, Masson, Mattice, Meagher, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Papin, Poulin, Pouliot, Powell, Rhodes, Solicitor General Ross, Somerville, Southwick, Stevenson, Thibaudeau, Turcotte, Wilson, and Young.--(65.)

## NAYS.

Messieurs Aikins, Bell, Bellingham, Biggar, Chisholm, Christie, Church, Conger, Cook, Daly, DeLong, Felton, Ferrie, Foley, Gould, Hartman, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Munro, Patrick, Price, Roblin, Rolph, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Spence, Whitney, Wright, and Yeilding.--(35.)

So it was resolved in the Affirmative.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Joseph Curran Morrison reported, That the Committee had made some progress, and directed him to move for leave to sit again.<sup>305</sup>

(110)

Ordered, That the Committee have leave to sit again to-morrow.<sup>306</sup>

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Report of the Superintendent of Education for Lower Canada, for the year 1855.<sup>307</sup>

For the said Report, see Appendix (No.16.)

Ordered, That four thousand copies of the said Report and accompanying documents be printed in the French language; and two thousand copies in the English language, for the use of the Members of this House.<sup>308</sup>

Then, on motion of Mr. Masson, seconded by Mr. Loranger,  
The House adjourned.<sup>309</sup>

APPENDIX: 6 MARCH 1856.

[NOTICE OF MOTION FOR A BILL RE: SEIZURE OF MECHANICS' IMPLEMENTS.]

MR. MACKENZIE [gave notice that he would move for leave to introduce a] Bill to exempt from seizure the implements of Mechanics.<sup>310</sup>

[NOTICE OF MOTION FOR AN ADDRESS RE: CROWN LANDS AGENTS.]

MR. FOLEY [gave notice that he would move an] Address to His Excellency, for a list of the names of all Crown Lands Agents in Upper and Lower Canada who have neglected to make certain returns required by Law, and also of such agents as are now in arrears.<sup>311</sup>

[NOTICE OF MOTION FOR AN ADDRESS RE: LANDS.]

MR. MACKENZIE [gave notice that he would move an] Address to his Excellency, for a Return shewing every Lot or Piece of Land in Canada granted, bestowed, or conveyed, or agreed to be conveyed; whether of Crown, Clergy, School, or University Lands, Jesuits' Estates, or Lauzon property, from the 30th of August, 1854, up to the 31st of January last; stating to whom such lands were severally sold, or on whom bestowed, and when, and by what authority; the condition of several sales, together with the monied or other consideration received, or agreed to be received, in each case; and also, whether any such lands were granted or conveyed, or ordered to be conveyed in liquidation of any claim or claims, with a concise statement, exhibiting the nature of any such claim or claims.<sup>312</sup>

[NOTICE OF MOTION FOR A RESOLUTION RE: CURRENCY.]

MR. MACKENZIE [gave notice that he would move a] Resolution respecting the Provincial Currency.<sup>313</sup>

[NOTICE OF MOTION FOR A RESOLUTION RE: CANADA COMPANY.]

MR. MACKENZIE [gave notice that he would move a] Resolution relative to certain returns required from the Canada Company.<sup>314</sup>

[POSTPONED MOTION FOR A RESOLUTION RE: PROVINCIAL BANKRUPT LAW.]

MR. BROWN stated that he would postpone till Monday, his resolution on the subject of a Provincial Bankrupt Law, several hon. members having suggested the delay, to afford time for consideration.<sup>315</sup>



FOOTNOTES: 6 MARCH 1856.

1. GLOBE, 5 March 1856, specifies that the object of this petition is to pray for an act "to authorize the transfer of a piece of land to the united counties of Huron and Bruce."
2. TORONTO DAILY LEADER, 7 March 1856.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. GLOBE, 7 March 1856.
8. TORONTO DAILY LEADER, 7 March 1856.
9. GLOBE, 7 March 1856.
10. MONTREAL GAZETTE, 8 March 1856.
11. GLOBE, 7 March 1856.
12. TORONTO DAILY LEADER, 7 March 1856.
13. GLOBE, 7 March 1856.
14. TORONTO DAILY LEADER, 7 March 1856.
15. MONTREAL GAZETTE, 8 March 1856.
16. GLOBE, 7 March 1856.
17. TORONTO DAILY LEADER, 7 March 1856.
18. GLOBE, 7 March 1856.
19. TORONTO DAILY LEADER, 7 March 1856.
20. GLOBE, 7 March 1856.
21. TORONTO DAILY LEADER, 7 March 1856.
22. IBID.
23. IBID.
24. GLOBE, 7 March 1856.
25. TORONTO DAILY LEADER, 7 March 1856.
26. GLOBE, 7 March 1856.
27. TORONTO DAILY LEADER, 7 March 1856.
28. GLOBE, 7 March 1856.
29. TORONTO DAILY LEADER, 7 March 1856.
30. GLOBE, 7 March 1856.
31. TORONTO DAILY LEADER, 7 March 1856.
32. GLOBE, 7 March 1856.
33. TORONTO DAILY LEADER, 7 March 1856.
34. GLOBE, 7 March 1856.
35. TORONTO DAILY LEADER, 7 March 1856. This newspaper reports a very awkward sequence of speeches, some of these (such as this statement by Mr. Galt) being repeated twice in different wording. Therefore, the sequence reported in GLOBE, 7 March 1856, was adopted for reconstructing part of this debate.
36. GLOBE, 7 March 1856.
37. IBID.
38. QUEBEC CHRONICLE, 12 March 1856.
39. GLOBE, 7 March 1856.
40. MONTREAL GAZETTE, 8 March 1856.
41. GLOBE, 7 March 1856.
42. TORONTO DAILY LEADER, 7 March 1856.
43. GLOBE, 7 March 1856.
44. IBID.
45. IBID.
46. TORONTO DAILY LEADER, 7 March 1856.

47. TORONTO DAILY LEADER, 7 March 1856.
48. IBID.
49. IBID.
50. GLOBE, 7 March 1856.
51. IBID.
52. IBID.
53. TORONTO DAILY LEADER, 7 March 1856.
54. IBID.
55. GLOBE, 7 March 1856.
56. TORONTO DAILY LEADER, 7 March 1856.
57. GLOBE, 7 March 1856.
58. TORONTO DAILY LEADER, 7 March 1856.
59. GLOBE, 7 March 1856.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. MONTREAL GAZETTE, 8 March 1856.
65. GLOBE, 7 March 1856.
66. TORONTO DAILY LEADER, 7 March 1856.
67. GLOBE, 7 March 1856.
68. TORONTO DAILY LEADER, 7 March 1856.
69. GLOBE, 7 March 1856.
70. TORONTO DAILY LEADER, 7 March 1856.
71. MONTREAL GAZETTE, 8 March 1856. TORONTO DAILY LEADER, 7 March 1856, reports--with no further specifications--that Mr. Powell "alluded more particular[ly] to the case of Mr. Dorion."
72. TORONTO DAILY LEADER, 7 March 1856.
73. GLOBE, 7 March 1856.
74. IBID.
75. MONTREAL GAZETTE, 8 March 1856.
76. TORONTO DAILY LEADER, 7 March 1856.
77. GLOBE, 7 March 1856.
78. TORONTO DAILY LEADER, 7 March 1856.
79. MONTREAL GAZETTE, 8 March 1856.
80. TORONTO DAILY LEADER, 7 March 1856.
81. MONTREAL GAZETTE, 8 March 1856.
82. TORONTO DAILY LEADER, 7 March 1856. The ellipsis represents an illegible word.
83. GLOBE, 7 March 1856.
84. TORONTO DAILY LEADER, 7 March 1856.
85. MONTREAL GAZETTE, 8 March 1856.
86. TORONTO DAILY LEADER, 7 March 1856.
87. GLOBE, 7 March 1856.
88. TORONTO DAILY LEADER, 7 March 1856.
89. GLOBE, 7 March 1856.
90. MONTREAL GAZETTE, 8 March 1856. TORONTO DAILY LEADER, 7 March 1856, differs from this newspaper in its report of the names referred to by Mr. Mackenzie. No mention is made of Sir Francis Head and Bishop Strachan, but rather of "Lord Durham, Lord Sydenham, and many others who had deeply studied the question".
91. GLOBE, 7 March 1856.
92. TORONTO DAILY LEADER, 7 March 1856.
93. MORNING CHRONICLE, 12 March 1856.
94. TORONTO DAILY LEADER, 7 March 1856.

95. MONTREAL GAZETTE, 8 March 1856.
96. TORONTO DAILY LEADER, 7 March 1856.
97. GLOBE, 7 March 1856.
98. IBID.
99. TORONTO DAILY LEADER, 7 March 1856. MONTREAL GAZETTE, 8 March 1856, specifies that Mr. Cauchon "had just left the House". He was, however, back in his seat a few minutes later.
100. GLOBE, 7 March 1856. MONTREAL GAZETTE, 8 March 1856, concurs with the amount reported by this newspaper.
101. TORONTO DAILY LEADER, 7 March 1856.
102. GLOBE, 7 March 1856.
103. TORONTO DAILY LEADER, 7 March 1856.
104. MONTREAL GAZETTE, 8 March 1856.
105. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
106. GLOBE, 7 March 1856.
107. TORONTO DAILY LEADER, 7 March 1856.
108. GLOBE, 7 March 1856.
109. TORONTO DAILY LEADER, 7 March 1856.
110. MONTREAL GAZETTE, 8 March 1856.
111. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
112. TORONTO DAILY LEADER, 7 March 1856. GLOBE, 7 March 1856, describes the remainder of this debate as "some further irregular discussion".
113. MONTREAL GAZETTE, 8 March 1856.
114. IBID.
115. IBID.
116. MONTREAL GAZETTE, 8 March 1856. According to LA MINERVE, 19 March 1856, Mr. Cauchon's reply generated some laughter in the House.
117. TORONTO DAILY LEADER, 7 March 1856.
118. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
119. MONTREAL GAZETTE, 8 March 1856.
120. TORONTO DAILY LEADER, 7 March 1856.
121. IBID.
122. IBID.
123. TORONTO DAILY LEADER, 7 March 1856. MONTREAL GAZETTE, 14 March 1856, reports a short commentary concerning the Crown Lands Department.
124. GLOBE, 7 March 1856. TORONTO DAILY LEADER, 7 March 1856, reports that Mr. Drummond "made some remarks which were very imperfectly heard in the gallery." No other newspaper reports this information.
125. TORONTO DAILY LEADER, 7 March 1856.
126. GLOBE, 7 March 1856.
127. MONTREAL GAZETTE, 8 March 1856.
128. GLOBE, 7 March 1856.
129. TORONTO DAILY LEADER, 7 March 1856.
130. MONTREAL GAZETTE, 8 March 1856.
131. TORONTO DAILY LEADER, 7 March 1856.
132. MONTREAL GAZETTE, 8 March 1856.
133. TORONTO DAILY LEADER, 7 March 1856.
134. GLOBE, 7 March 1856.
135. TORONTO DAILY LEADER, 7 March 1856.
136. GLOBE, 7 March 1856.
137. MONTREAL GAZETTE, 8 March 1856.
138. GLOBE, 7 March 1856.
139. TORONTO DAILY LEADER, 7 March 1856.



140. GLOBE, 7 March 1856.
141. TORONTO DAILY LEADER, 7 March 1856.
142. GLOBE, 7 March 1856.
143. TORONTO DAILY LEADER, 7 March 1856.
144. GLOBE, 7 March 1856.
145. TORONTO DAILY LEADER, 7 March 1856.
146. GLOBE, 7 March 1856.
147. MONTREAL GAZETTE, 8 March 1856.
148. GLOBE, 7 March 1856.
149. TORONTO DAILY LEADER, 7 March 1856.
150. GLOBE, 7 March 1856.
151. TORONTO DAILY LEADER, 7 March 1856.
152. GLOBE, 7 March 1856.
153. IBID.
154. IBID.
155. TORONTO DAILY LEADER, 7 March 1856.
156. GLOBE, 7 March 1856.
157. TORONTO DAILY LEADER, 7 March 1856.
158. GLOBE, 7 March 1856.
159. TORONTO DAILY LEADER, 7 March 1856.
160. GLOBE, 7 March 1856.
161. MORNING CHRONICLE, 12 March 1856.
162. TORONTO DAILY LEADER, 7 March 1856.
163. GLOBE, 7 March 1856.
164. TORONTO DAILY LEADER, 7 March 1856.
165. GLOBE, 7 March 1856.
166. TORONTO DAILY LEADER, 7 March 1856.
167. GLOBE, 7 March 1856.
168. MONTREAL GAZETTE, 8 March 1856.
169. GLOBE, 7 March 1856.
170. TORONTO DAILY LEADER, 7 March 1856.
171. MONTREAL GAZETTE, 8 March 1856.
172. GLOBE, 7 March 1856.
173. TORONTO DAILY LEADER, 7 March 1856.
174. IBID.
175. GLOBE, 7 March 1856. It is to be noted that this newspaper mistakenly reports that Mr. A. Dorion referred to Mr. Sanborn's resolutions.
176. TORONTO DAILY LEADER, 7 March 1856.
177. IBID.
178. TORONTO DAILY LEADER, 8 March 1856.
179. TORONTO DAILY LEADER, 7 March 1856. MONTREAL GAZETTE, 17 March 1856, reports a commentary which briefly compares Mr. A. Dorion's resolutions to the provisions of a bill for the suppression of Intemperance introduced by Mr. Felton on the 29th February 1856. It also reports excerpts of the said bill.
180. MONTREAL GAZETTE, 8 March 1856.
181. GLOBE, 7 March 1856.
182. MONTREAL GAZETTE, 8 March 1856.
183. TORONTO DAILY LEADER, 8 March 1856. LA MINERVE, 19 March 1856, also reports that Mr. Cartier interrupted the debate to present this report.
184. TORONTO DAILY LEADER, 8 March 1856.
185. IBID.
186. TORONTO DAILY LEADER, 8 March 1856. GLOBE, 7 March 1856, also reports that "a short discussion arose on this motion". It further adds that "it was finally

referred to the Standing Committee on Printing." It appears from the account reported in TORONTO DAILY LEADER, 8 March 1856, that Mr. Cartier again presented his report just before the House adjourned, and that it was ordered to be printed according to his request. This would concur with the information given by the JOURNALS on page (110) 566.

187. GLOBE, 7 March 1856. MONTREAL GAZETTE, 8 March 1856, and LE PAYS, 11 March 1856, report that Mr. J. Smith spoke. All other newspapers report this speech was made by Mr. S. Smith.
188. TORONTO DAILY LEADER, 7 March 1856.
189. GLOBE, 7 March 1856.
190. TORONTO DAILY LEADER, 8 March 1856.
191. GLOBE, 7 March 1856.
192. TORONTO DAILY LEADER, 8 March 1856.
193. GLOBE, 7 March 1856.
194. MONTREAL GAZETTE, 8 March 1856.
195. GLOBE, 7 March 1856.
196. TORONTO DAILY LEADER, 7 March 1856.
197. GLOBE, 7 March 1856.
198. MONTREAL GAZETTE, 8 March 1856.
199. TORONTO DAILY LEADER, 7 March 1856.
200. MORNING CHRONICLE, 12 March 1856.
201. TORONTO DAILY LEADER, 8 March 1856.
202. MORNING CHRONICLE, 12 March 1856.
203. GLOBE, 7 March 1856.
204. MORNING CHRONICLE, 12 March 1856.
205. GLOBE, 7 March 1856.
206. TORONTO DAILY LEADER, 7 March 1856.
207. GLOBE, 7 March 1856.
208. MONTREAL GAZETTE, 8 March 1856.
209. TORONTO DAILY LEADER, 8 March 1856.
210. IBID.
211. GLOBE, 7 March 1856.
212. TORONTO DAILY LEADER, 8 March 1856.
213. GLOBE, 7 March 1856.
214. TORONTO DAILY LEADER, 8 March 1856.
215. GLOBE, 7 March 1856.
216. TORONTO DAILY LEADER, 8 March 1856.
217. GLOBE, 7 March 1856.
218. TORONTO DAILY LEADER, 8 March 1856.
219. GLOBE, 7 March 1856.
220. TORONTO DAILY LEADER, 8 March 1856.
221. LA MINERVE, 19 March 1856.
222. GLOBE, 7 March 1856.
223. TORONTO DAILY LEADER, 8 March 1856.
224. MONTREAL GAZETTE, 8 March 1856.
225. GLOBE, 7 March 1856.
226. MORNING CHRONICLE, 12 March 1856.
227. GLOBE, 7 March 1856.
228. TORONTO DAILY LEADER, 8 March 1856.
229. GLOBE, 7 March 1856. This newspaper provides the only account of Mr. Felton's reference to a statement made by Mr. Hartman. However, the figure of 30,000 petitioners that it reports certainly does not concur with the figure reported in Mr. Hartman's speech (see footnotes 198 and 199).

230. TORONTO DAILY LEADER, 8 March 1856.
231. GLOBE, 7 March 1856.
232. MONTREAL GAZETTE, 8 March 1856.
233. GLOBE, 7 March 1856.
234. TORONTO DAILY LEADER, 8 March 1856.
235. GLOBE, 7 March 1856.
236. TORONTO DAILY LEADER, 8 March 1856.
237. MONTREAL GAZETTE, 8 March 1856.
238. IBID.
239. IBID.
240. GLOBE, 7 March 1856.
241. IBID.
242. TORONTO DAILY LEADER, 8 March 1856.
243. GLOBE, 7 March 1856.
244. TORONTO DAILY LEADER, 8 March 1856.
245. GLOBE, 7 March 1856.
246. TORONTO DAILY LEADER, 8 March 1856.
247. GLOBE, 7 March 1856.
248. TORONTO DAILY LEADER, 8 March 1856.
249. GLOBE, 7 March 1856.
250. TORONTO DAILY LEADER, 8 March 1856.
251. IBID.
252. GLOBE, 7 March 1856.
253. TORONTO DAILY LEADER, 8 March 1856.
254. GLOBE, 7 March 1856.
255. MONTREAL GAZETTE, 8 March 1856.
256. GLOBE, 7 March 1856.
257. TORONTO DAILY LEADER, 8 March 1856.
258. GLOBE, 7 March 1856.
259. TORONTO DAILY LEADER, 8 March 1856.
260. TORONTO DAILY LEADER, 8 March 1856. GLOBE, 7 March 1856, differs from this newspaper and reports the figure of "91,000 gallons of whiskey imported into this country" in 1851, and of "something like 763,000 gallons" in 1854.
261. GLOBE, 7 March 1856.
262. TORONTO DAILY LEADER, 8 March 1856.
263. GLOBE, 7 March 1856.
264. MONTREAL GAZETTE, 8 March 1856.
265. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
266. MONTREAL GAZETTE, 8 March 1856.
267. TORONTO DAILY LEADER, 8 March 1856.
268. LE PAYS, 11 March 1856.
269. TORONTO DAILY LEADER, 7 March 1856.
270. LE PAYS, 11 March 1856.
271. MONTREAL GAZETTE, 10 March 1856.
272. GLOBE, 7 March 1856.
273. TORONTO DAILY LEADER, 8 March 1856.
274. MONTREAL GAZETTE, 10 March 1856.
275. GLOBE, 7 March 1856.
276. IBID.
277. MONTREAL GAZETTE, 10 March 1856.
278. GLOBE, 7 March 1856.
279. IBID.
280. IBID.



281. TORONTO DAILY LEADER, 7 March 1856.
282. GLOBE, 7 March 1856.
283. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
284. GLOBE, 7 March 1856.
285. TORONTO DAILY LEADER, 8 March 1856.
286. GLOBE, 7 March 1856.
287. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
288. TORONTO DAILY LEADER, 8 March 1856. This newspaper also reports that this gentleman "spoke at some length on the evils of intemperance".
289. MONTREAL GAZETTE, 10 March 1856. This newspaper imputes this statement to Mr. J. Smith; however, comparison with other material clearly shows that this statement was made by Mr. Bellingham.
290. GLOBE, 7 March 1856.
291. TORONTO DAILY LEADER, 8 March 1856.
292. IBID.
293. GLOBE, 7 March 1856.
294. TORONTO DAILY LEADER, 8 March 1856.
295. GLOBE, 7 March 1856.
296. MONTREAL GAZETTE, 10 March 1856.
297. TORONTO DAILY LEADER, 8 March 1856.
298. IBID.
299. GLOBE, 7 March 1856.
300. IBID.
301. TORONTO DAILY LEADER, 8 March 1856.
302. GLOBE, 7 March 1856. PERTH COURIER, 14 March 1856, reports that "the debate was brought to a close at eleven o'clock." In a short commentary, MONTREAL GAZETTE, 14 March 1856, notes that "the debate was carried on in an excellent spirit", while HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856, reports that it "gave rise to an animated debate".
303. LA MINERVE, 19 March 1856, reports the following short comment: "On passa donc à l'amendement Sanborn, et au milieu des hear! hear! et de la confusion des voix, le greffier recueillit les votes". PERTH COURIER, 14 March 1856, also remarks that this division "excited great interest".
304. LA MINERVE, 19 March 1856, reports that this division was followed by "de bruyants applaudissements de la part des amis de la liberté".

GLOBE, 10 March 1856, reports the following vote analysis on Mr. Sanborn's amendment: "The division ... must have taken the friends of Temperance throughout the country by surprise; and it is a matter of some importance to enquire how so different a result was reached from what the votes of last year would have warranted us in expecting.

"Last session there were three test votes on the Prohibitory Law; 1st, on the motion for going into Committee of the Whole; 2nd, on the motion for receiving the Report of the Committee of the Whole; and 3rd, on the question of sustaining or reversing the decision of the Speaker throwing out the Bill.

"Of the members who voted for the Maine Law on the first of those occasions, 10 voted against Mr. Sanborn's motion on Thursday evening, viz.: Messrs. Brodeur, Dionne, Dorion (Montreal), Dufresne, FELTON, Fortier (Bellechasse), Masson, Meagher, Pouliot, and Powell. And 8 who then voted for the Maine Law, were absent from the division on Thursday, viz.:--Messrs. Blanchet, Crawford, DeWitt, Gill, Jobin, Prevost, Shaw, and Valois.

"On the second occasion, 7 members voted for the Maine Law, who voted against it on Thursday, viz.: Messrs. Brodeur, Dionne, Dufresne, Felton, Guévremont, Meagher, and Pouliot. And 9 of them were absent, viz.: Messrs.

DeWitt, Gamble, Gill, Huot, Jobin, Mongenais, Prevost, Ross (Northumberland), and Terrill.

"On the third occasion, that on which attachment to the principle of Prohibition was most severely tested, only three members voted for it, who were found last week in the ranks of the enemy, viz.:--Messrs. Felton, Lumsden, and Pouliot; 5 of those who then recorded their votes against the Speaker's decision, were absent on Thursday, viz., Messrs. Crawford, DeWitt, Jobin, Ross (Northumberland), and Terrill.

"It should be observed that of the absentees, Messrs. Blanchet, DeWitt, Mongenais, Ross (Northumberland), and Terrill, have not yet arrived at the Seat of Government. The other gentlemen named among the absentees, were in town, but found it convenient to be elsewhere, when the principle was to be tested this session.

"We arrive at this general result, that, if all the members now actually in town who voted for a Prohibitory Liquor Law last session, had remained true to the position they then took up, Mr. Sanborn's amendment, instead of being rejected by 51 to 50, would have been triumphantly carried by a vote of 70 to 39! But, even as it was, the vote of last week showed that the measure is so urgently desired by Upper Canada at least, that its attainment is only a question of time".

MACKENZIE'S WEEKLY MESSAGE, 28 March 1856, in a short commentary, points out that "37 Upper Canada members voted for the Maine Law principle--only 16 voted against it; 35 Lower Canada members voted against any prohibitory liquor law, or any enquiry, as to prohibition, and only 13 voted for it.... Of the above yeas, McCann, and Smith of Frontenac, helped Speaker Sicotte by their votes to crush the Temperance Bill on April 30, 1855. Lumsden then voted for the bill, but now turns round to oppose it. Rankin, Fergusson, Gamble, Attorney-General Macdonald, McNab, Shaw and Robinson, whose votes prevented the Temperance bill from passing in 1855, ... were elsewhere when the vote was taken".

305. PERTH COURIER, 14 March 1856, reports that the House "went into Committee pro forma, and immediately afterwards resumed". TORONTO DAILY LEADER, 7 March 1856, also reports that the Committee "rose without having discussed any of the clauses of the resolutions."
306. GLOBE, 7 March 1856, and TORONTO DAILY LEADER, 8 March 1856, both differ from the JOURNALS and report that the Committee "obtained leave to sit again on Monday." It is indeed only on Monday, 10 March 1856, that the House again resolved itself into a Committee of the Whole to consider these resolutions.
307. MONTREAL GAZETTE, 14 March 1856, reports a long commentary on this Report.
308. Mr. Cartier's motion for the printing of this report was inserted within the debate on the question of the Tavern Licenses, as per the report provided by TORONTO DAILY LEADER, 8 March 1856 (see footnotes 183 to 186).
309. GLOBE, 7 March 1856, and TORONTO DAILY LEADER, 7 March 1856, both report the House adjourned at half-past 11 o'clock.
310. MONTREAL GAZETTE, 18 March 1856. The five notices of motion reconstructed as footnotes 310 to 314 were arbitrarily inserted in today's proceedings as this newspaper does not clearly indicate when they were given.
311. MONTREAL GAZETTE, 18 March 1856.
312. IBID.
313. IBID.
314. IBID.
315. GLOBE, 7 March 1856. In a synopsis of the debate, this newspaper reports that Mr. Brown's motion for a resolution was postponed "till Tuesday".

FRIDAY, 7 MARCH 1856

(110)

MR. SPEAKER laid before the House,--Return from Registrar of the County of Welland, pursuant to the Act 16 Vic., cap. 187, sec. 9, for the year 1855.

For the said Return, see Appendix (No. 3.)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Spence,--The Petition of John Hunt and others, of the Townships of East and West Flamborough; the Petition of Edward Carey and others, of the Township of Flamborough West, County of Wentworth; and the Petition of David Cumming and others, of the Township of West Flamborough, County of Wentworth.

By Mr. Antoine Aimé Dorion,--The Petition of the Directresses of the Montreal Catholic Orphan Asylum.

By Mr. Loranger,--The Petition of the School Commissioners and others, of the Parish of Laprairie; and the Petition of the Mechanics' Institute of St. Hyacinthe.

By Mr. Joseph Curran Morrison,--The Petition of James Sanson and others.

By Mr. Frazer,--The Petition of the Municipality of the Township of Bertie.

By Mr. James Smith,--The Petition of John Connolly and others, of the Township of Ops, County of Victoria; the Petition of Thomas Watson and others, of the Township of Mariposa, County of Victoria; and the Petition of David Murdock and others, of the County of Victoria.

By Mr. Shaw,--The Petition of Mrs. Betchum and others, of the Village of Smith's Falls, County of Lanark.

By Mr. Jean Baptiste Eric Dorion,--The Petition of F.X. Ponsant and others, of the County of Beauce.

By Mr. Foley,--The Petition of George Badfellow and others, of the Township of Waterloo, County of Waterloo; and the Petition of Walter Burns and others, of the Town of New Hope.

By Mr. Evanturel,--The Petition of David Bell and others, of the Parish of St. Roch; the Petition of J.E. Pageot and others, of the Parish of Ancienne Lorette; the Petition of Joseph Savard and others, of the Parish of St. Ambroise de la Jeune Lorette; and the Petition of the School Commissioners of the Parish of Ste. Foye.

(111)

By Mr. Solicitor General Ross,--The Petition of the Reverend Louis Proulx and others, of the Parish of Ste. Marie, County of Beauce.

By Mr. Solicitor General Smith,--The Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton; the Petition of S. Harward and others, of the Township of Lanark, County of Lanark; the Petition of Hugh Bowland and others, of the Township of Ramsay, County of Lanark and Renfrew; the Petition of William A. Wood and others, of the Township of Loughborough, County of Frontenac; and the Petition of John McDonald and others, of the Townships of Leeds and Landsdowne, County of Leeds and Grenville.<sup>1</sup>

By Mr. Crawford,--The Petition of S. Losee and Son, and others, Creditors of the Buffalo, Brantford, and Goderich Railway Company; and the Petition of Messieurs Mellish, Morrell, Russell, and Whitehead, Creditors of the Buffalo, Brantford, and Goderich Railway Company.

By Mr. Clarke,--The Petition of Peter McVicar, Reeve of the Township of Carrick, and others, of the County of Bruce.

By Mr. Church,--The Petition of Robert Riddel and others, of the Township of Walford, County of Grenville; the Petition of J. Shailer and others, of the Township



of Walford, County of Leeds; the Petition of William B. Van Duser and others, of the Township of Montague, County of Lanark; the Petition of Nathan P. Van Dusen and others, of the Township of Montague, County of Lanark; and the Petition of George Kidd and others, of the Township of Montague, County of Lanark.

By the Honorable Mr. Merritt,--The Petition of George Rykert and others, of the Town of St. Catharines.

By Mr. Mattice,--The Petition of Hiram E. Barnhart and others, of the Township of Osnabruck, County of Stormont; and the Petition of Joseph McEwan and others, of the Township of Cornwall, County of Stormont.

By Mr. Stevenson,--The Petition of M.B. Roblin and others, of the Townships of Sydenham and Murray; and the Petition of Thomas J. Howard and others, of the County of Hastings.

By Mr. Cooke,--The Petition of Asa Durkee and others, of the Township of South Norwich, County of Oxford.<sup>2</sup>

By Mr. Brown,--The Petition of the Municipality of the Township of Sombra; the Petition of the Municipal Council of the County of Lambton; the Petition of the Municipality of the Township of Bosanquet; the Petition of the Reverend George J.R. Salter, and others, of the County of Lambton; the Petition of the Reverend S. Waldron, Missionary, and others, Chippewa Indians, of the County of Lambton; three Petitions of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; and the Petition of James Major and others, of the County of Lambton.

By Mr. Daly,--The Petition of the Municipal Council of the County of Perth.

By Mr. Burton,--The Petition [of] James Jamieson and others, of the Township of Cavan, County of Durham.

By Mr. Chisholm,--The Petition of John Bailey and other Inhabitants of the Township of Nassagaweya, in the County of Halton; and the Petition of Joshua Van Allen and others, of the Township of Trafalgar, County of Halton.

By Mr. Lyon,--The Petition of the Municipality of the United Townships of Russell and Cambridge.

By the Honorable Mr. Cayley,--The Petition of the Municipality of the Township of Greenock, County of Bruce.

By Mr. Biggar,--The Petition of the Town Council of the Town of Brantford.

By Mr. Meagher,--The Petition of Barnabas McGie, Mayor, and others of the Township of Hope, County of Bonaventure.

By Mr. Prévost,--The Petition of Les Soeurs de la Congrégation, of the Convent of the Parish of Terrebonne, County of Terrebonne.

(112)

By the Honorable Mr. Cartier,--Two Petitions of the Reverend E. Durocher, Curé, and others, of the Parish of Beloeil.

By the Honorable Mr. Lemieux,--The Petition of N. Bourassa, Mayor, and others, of the Parish of St. Joseph de La Pointe Levis.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Governors of the University of McGill College; praying for aid.

Of Alexander Cameron, of the Parish of St. Anicet; praying to be indemnified for damage done to his property by the rising of the St. Lawrence, caused by the dam at the head of the Beauharnois Canal.

Of R.H. Thornhill and others, of the Township of Bertie, County of Welland; praying for an Act of Incorporation under the name of the President, Directors, and Company of the Fort Erie Canal Company.

Of Peter Gibbons and others, merchants and others, of the Village of Port Colborne; praying for the passing of an Act to make better provision for the

collection of claims against the owners of vessels passing through the canals and navigable waters of this Province, and for the relief of persons furnishing sea stores to such vessels.

Of James C. Woodruff and others, of the Township of Niagara, County of Lincoln; of Thomas Choate and others, of the Townships of Dummer and Douro, County of Peterborough; of Peter McLaurin and others, of the Township of South Plantagenet, County of Prescott; of William Mackenzie and others, of the Township of Warwick, County of Lambton; of Thomas Webb and others; of John Scott and others, of the Village of Galt, County of Waterloo; of Hamilton Dunlop and others, of the Township of London, County of Middlesex; of Mrs. Mary Crane and others, of the Township of Augusta, County of Grenville; of D.A. Hanse and others, of the Village of Churchville, County of York and Peel; and of Thomas White, junior, and others, of the County of Peterborough; praying for the passing of a Prohibitory Liquor Law.

Of the Municipal Council of the County of Elgin; praying for the passing of an Act to amend and extend the charter of the Amherstburgh and St. Thomas Railway Company.

Of the Municipal Council of the County of Elgin; and of the Municipality of the Township of Dawn; praying for a repeal of the Separate School Act.

Of Joseph Walker and others, Reeves of Brant and other Townships, County of Bruce; praying for an Act of Incorporation under the name of the Saugeen Harbour Company.

Of John Dohony, of the Parish of Valcartier, County of Quebec; setting forth that his house was destroyed by fire which he believes to be the act of an incendiary, and praying relief.

Of the Reverend P. Huot and others, of the Parish of Ste. Foye; praying that the road called "Route de l'Eglise" leading from Ste. Foye to the Coves, may be macadamized.

Of J.F. Taylor and others, Trustees of the High School in the Township of Eaton; praying for aid.

Of the Municipality of Hull, County of Ottawa; and of the Municipality of Ste. Angélique, County of Ottawa; praying that a detailed survey may be made, in order to ascertain the feasibility and cost of constructing a ship canal or railway between the Western Lakes and the tide waters of the St. Lawrence by the Valley of the Ottawa.

Of R.V. Rogers, Chairman of the Sabbath Reformation Society of Kingston, and others; praying for the abolition of Sabbath labour in the Post Office Department, and on the St. Lawrence Canals.

Of the Municipal Council of the County of Lambton; praying aid for the completion of a road through the Township of Plympton.

(113)

Of the Municipal Council of the County of Lambton; praying that no alteration may be made in the present territorial position of the County of Lambton.

Of W.P. Vidal and others, of the Town of Port Sarnia, County of Lambton; praying that the present Town of Port Sarnia may be incorporated under the name of the Town of Sarnia.

Of William Boylan and others, of the Township of Dawn; praying that no alteration may be made in the present boundary lines between the Counties of Kent and Lambton.

Of the Woodstock and Lake Erie Railway and Harbour Company; praying for certain amendments to their Act of Incorporation.

*Of the Municipality of the Township of Minto, County of Wellington; praying for the passing of an Act to authorize the construction of a Railroad from the waters of Lake Huron at Saugeen, to the waters of Lake Ontario at Toronto.*

*Of Alfred Center and others, of the County of Argenteuil; praying that no change may be made in the Municipality of the Township of Chatham.*

*Mr. Sidney Smith, from the Standing Committee on Standing Orders; presented to the House the Fourth Report of the said Committee; which was read, as followeth:--*

*Your Committee have examined the following Petitions, and find that in each case the Notice has been sufficient, viz:--of Louis Beaudouin and others, of the Parish of St. Paul, County of Joliette, for amendments to the L'Assomption River and Railway Act; of the Hamilton and Port Dover Railway Company; of Peter Carroll and others, of the City of Hamilton, for incorporation of the Union Bank of Canada; of William Weller, of the Town of Cobourg, and others, for incorporation of the International Telegraph Company; of the Municipality of the Township of Delaware, relative to certain disputed boundary lines; of the Commercial Bank of the Midland District; of the Municipal Council of the United Counties of Lincoln and Welland, for an Act to disunite the said Counties; of William P. McLaren and others, for incorporation of the Western Canada Loan Company; of Caleb Mallery and others, of the Township of Hamilton, for the confirmation of a certain land patent; of A. Ainslie and others, of the Village of Galt, for incorporation of that Village as a Town; of John Young and others, Merchants, Tradesmen, and others, of the City of Hamilton, for incorporation of the North Western Railway Company; and of William Miller and others, of the Town of Sydenham, County of Grey, for an Act to incorporate the said Town.*

*On the Petition of A. McNabb and others, Reeves of the County of Bruce, for a separation of the Counties of Huron and Bruce, the Notice has only been proved before Your Committee (sic) from the fourteenth day of February last, and is consequently insufficient.*

*On the Petition of P. Manny, praying for a Patent for a reaping and mowing machine, it does not appear that any Notice has been published.*

*The Petition of the City Bank, for certain amendments to their Charter, (involving no extension of their powers); of the Canadian Order of Odd Fellows in connexion with the Manchester Unity, for an Act of incorporation; and of the Rector and Church-wardens of the Parish of Quebec, for incorporation of the Quebec Male Orphan Asylum, are not of such a nature as to require the publication of Notice.*

MR. INSP. GEN. CAYLEY, asked leave to remark on a portion of the Report of the Private Bills Committee, which had just been laid on the table, in reference to the petition of the Reeves of the county of Bruce, desiring to be set apart from the county of Huron. The Committee stated that sufficient notice had not been given. He wished to say that the Reeves of Bruce were unanimous in desiring a separation, as they showed that a large amount of the revenue raised in Bruce was expended in Huron. He wished to ascertain whether there was any serious impediment in the way of having the informality set aside, and action taken by the House.<sup>3</sup>

MR. SICOTTE the SPEAKER called the hon. gentleman to order. The way to test the feeling of the House was to bring in a bill, and move the suspension of the rules, and that would be the proper time for the hon. gentleman to make explanations.<sup>4</sup>

MR. SOL. GEN. H. SMITH said that, by the Municipal Act, municipalities making such applications as this, were required to comply with certain conditions; and if



they did not, it was not asking too much to make them comply with the rules of the House. (Hear, hear.)<sup>5</sup>

MR. J.S. MACDONALD (Glengary) rose to make some remarks on the question, but<sup>6</sup>--

MR. SICOTTE the SPEAKER ... said that no further discussion could be allowed.<sup>7</sup>

(113)

*Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Second Report of the said Committee; which was read, as followeth:--*

*Your Committee have examined the Report of the Superintendent of Education for Lower Canada ordered to be printed by Your Honorable House, and recommend that the entire of the Report and Documents appended should be printed. The numbers of*

(114)

*Copies to be Four thousand French and Two thousand English.*

*The estimated cost of the same will be One hundred and eighty pounds. Each extra One thousand Copies will cost ten pounds.*

*The Petition of Mrs. Sarah Odell ordered to be printed; Your Committee recommend, that it be printed in extenso--the usual number of copies. The estimated cost is One pound seventeen shillings and six pence.*

*Resolved, That this House doth concur with the Committee in the said Report.*

*On motion of the Honorable Mr. Cameron, seconded by Mr. Wright,*

*Ordered, That the Select Committee on the Argenteuil Election Petition have leave to adjourn until Tuesday next at Ten o'clock in the forenoon, in order to afford time to the Counsel for the parties to examine authorities and prepare for argument.<sup>8</sup>*

MR. SOL. GEN. H. SMITH moved for leave to introduce a Bill to extend the time allowed by the charter of the Hamilton and Port Dover Railway Company for the construction of the said railway.<sup>9</sup>

MR. BROWN said he did not rise to oppose this Bill, but to enquire whether the Government intended to proceed with the general Railway Bill spoken of last session. A great many notices had been given of Railway Bills, and it would save time if the Government would state whether they intended to bring in a general railway measure.<sup>10</sup>

MR. SOL. GEN. H. SMITH could not answer the question; but at all events it would not effect the bill in question.<sup>11</sup>

MR. AT. GEN. DRUMMOND said the Railway Committeee (sic) would report on the subject, and the Government would not take action on it till then.<sup>12</sup>

The Bill was then read a first time<sup>13</sup>.

(114)

*Ordered, That the Honorable Sir Allan N. MacNab have leave to bring in a Bill to amend the Act incorporating the Hamilton and Port Dover Railway Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That the Second Report of the Standing Committee on Contingencies be printed for the use of the Members of this House.*

MR. FOLEY moved for leave to bring in a bill to incorporate the Canada and Liverpool Mining Company.... He further moved ... that it be read again on Wednesday.<sup>14</sup>

[The motion was] seconded by MR. FERRIE<sup>15</sup>.

(114)

*Ordered, That Mr. Foley have leave to bring in a Bill to incorporate the Canada and Liverpool Mining Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That Mr. Dufresne have leave to bring in a Bill to amend the Act of Incorporation of the L'Assomption River and Railway Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That the Petition of Alfred Center and others, of the County of Argenteuil, be printed for the use of the Members of this House.*

*Ordered, That Mr. Sidney Smith have leave to bring in a Bill to incorporate the International Telegraph Company, and for other purposes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Ferrie have leave to bring in a Bill to enable John Watson of the Village of Ayr, in the County of Waterloo, to construct a Dam and Water-course for manufacturing and other purposes, and to take all lands necessary therefor.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

(115)

*Ordered, That Mr. Ferrie have leave to bring in a Bill to erect the Municipality of the Village of Galt into that of a Town.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

MR. CRAWFORD moved for leave to introduce a Bill to incorporate the Buffalo and Lake Huron Railway Company, and for other purposes.<sup>16</sup>

MR. BROWN said he did not intend to offer any opposition to the first reading of the Bill, but there were very serious objections entertained to it on the part of private stockholders of the road, and he intended to ask the House at a future stage that those parties be heard by counsel against the principle of the Bill. The object of the Bill was to enable the road which had been built by charter to be sold into other hands, and the private stockholders felt aggrieved, because if the Bill were carried it would cut off their claim on the road and destroy the value of their stock.<sup>17</sup> One gentleman had invested 25,000L in shares, the whole of which would be sacrificed if this measure passed.<sup>18</sup>

MR. MERRITT suggested that counsel might be heard by the Railroad Committee, instead of at the bar of the House. He admitted the new arrangement would be the means of depriving the stockholders of getting a farthing, but at the same time it was quite certain they would not get a farthing without it. (Laughter.)<sup>19</sup>

MR. BROWN said he did not object to what was sought by the Bill, but it should not be carried out at the sacrifice of private interests. And when the rights of private parties were involved, he thought it better that they should be heard before the House.<sup>20</sup>

The Bill was then read a first time.<sup>21</sup>

MR. CRAWFORD moved that it be read a second time on Monday.<sup>22</sup>

MR. BROWN was astonished at the precipitancy shown by the hon. member to hurry the bill through.<sup>23</sup> The second reading shoald (sic) be put off at least for a fortnight. The gentleman who had put in his petition to be heard at the bar of the House, had \$100,000 at stake, and he understood that his counsel would require some time to prepare his brief.<sup>24</sup>

MR. AT. GEN. DRUMMOND did not see why it should not be read a second time on Monday, and referred to the Railway Committee, and the discussion might come up on it, after it came back from the Committee.<sup>25</sup>

MR. J. SMITH, and others, suggested that the matter would come before the Railway Committee, and that the interests of private individuals would be protected.<sup>26</sup>

MR. J.S. MACDONALD (Glengary) was afraid from his experience of the Railroad Committee, that private rights would not get much attention paid them there.<sup>27</sup>

MR. CRAWFORD said he would change the day for the second reading to Thursday.<sup>28</sup>

MR. BROWN again asking for a longer delay,<sup>29</sup>

MR. INSP. GEN. CAYLEY said that delay would defeat the object of the bill, and deprive the Company of the means of meeting their engagements<sup>30</sup> [OR] took objection to the Bill, as the original bondholders would be sacrificed.<sup>31</sup>

MR. MERRITT was a shareholder in that railroad, and wns (sic) of opinion that the stock was not worth one farthing. It was desirable that the bill should be proceeded with, as delay would be most disastrous, as at present the road was not in its present state worth two pence, and the corporation who originally built this road will not get one farthing.<sup>32</sup>

After some further discussion, the motion for the second reading on Thursday was agreed to.<sup>33</sup>

(115)

*Ordered, That Mr. Crawford have leave to bring in a Bill to incorporate the Buffalo and Lake Huron Railway Company, and for other purposes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*



MR. GALT called the attention of the House to an error which had occurred on the part of its officers in regard to the bill which was passed for incorporating the Champlain and St. Lawrence Railroad last session, and which had received the Royal Assent. The error was this.--Several amendments were made in committee,<sup>34</sup> and handed to the clerk, or should have so been, but<sup>35</sup> one amendment proposed by the hon. member for Montreal [Mr. A. Dorion], and himself (Mr. Galt), was left out of the bill when printed, which had reference to the claims of holders of debentures in England. The bill was now upon the statute book, and was not, therefore, in accordance with that act, which it was the intention of the House to pass, as would appear from the journals.--The object of his motion was, that the journals be produced to shew that this amendment was really made and carried.<sup>36</sup> Mr. Galt then pointed out from the journals the amendments which had been passed, and stated that<sup>37</sup> errors of this kind had occurred in England, and the practice there had been to rectify them by the passage of a bill declaring that they formed no part of the original act, and had therefore, no effect whatever. It was necessary that such a course should be adopted upon the present occasion, and with all convenient speed, or other parties might be led to acquire an interest in these bonds illegally.<sup>38</sup> He would therefore move ... that the journals of the House for the 7th May last be now read<sup>39</sup>.

(115)

*On motion of Mr. Galt, seconded by Mr. Antoine Aimé Dorion,*

*Ordered, That the Entry in the Journals of this House, of the 7th May last, relating to the Bill to amend the Act incorporating the Champlain and St. Lawrence Railroad Company, and for other purposes, be now read; and the same was read, as followeth:--*

*"A Bill to amend the Act incorporating the Champlain and St. Lawrence Railroad Company, and for other purposes, was, according to order, read the third time; and amendments were made to the Bill.*

*"Resolved, That the Bill do pass, and the Title be, 'An Act to amend the Acts incorporating the Champlain and St. Lawrence Railroad Company.'*

*"Ordered, That Mr. Antoine Aimé Dorion do carry the Bill to the Legislative Council, and desire their concurrence."*

[MR. GALT] thought the House would agree in referring the part of the journals of the House to a select committee to report upon the fact of the omission.<sup>40</sup>

MR. PROV. SEC. CARTIER had been astonished on a previous occasion at hearing of this occurrence, and seeing that it would have the effect of depriving certain holders of the bonds of this Company in England of their claims. He had heard it from the hon. member for Montreal long ago, and had received a telegraph from the hon. member for Sherbrooke about it, and a telegraph was sent to the President of the Company, and his reply was, that he thought the amendment could be introduced.<sup>41</sup>

MR. A. DORION (Montreal) confirmed this statement, and stated that Mr. Rose had also communicated to the same effect.<sup>42</sup>

MR. SICOTTE the SPEAKER said, the Clerk of the House at the time was Mr. Faribault, and it was part of his duty then to make entries of all amendments laid upon the table. By the 56th rule of the House, the responsibility of amendments to Bills and the correctness of their disposition was upon the law clerk of the House, who had told him (Mr. Speaker) that he had taken the Bill and the amendments as they were handed to him by Mr. Faribault, who then was sickly and not much

able on account thereof to attend regularly to his business, so that in the amendments which appeared in the scroll book of the Clerk of the House this amendment was not entered by the law clerk.<sup>43</sup>

MR. GALT, seconded by MR. A. DORION,<sup>44</sup> then moved "that the journals as to the act of May last, relating to the Bill to amend the act of the Champlain and St. Lawrence Railroad Company, be referred to a select committee of five to enquire into the subsequent proceedings taken with regard to the said Bill, with power to send for papers and report."<sup>45</sup>

The motion was then put and carried.<sup>46</sup>

(115)

*Resolved, That the said Entry be referred to a Select Committee, composed of Mr. Galt, the Honorable Mr. Attorney General Drummond, the Honorable Mr. Cartier, Mr. Antoine Aimé Dorion, and the Honorable John Sandfield Macdonald, to inquire into the subsequent proceedings to the third reading taken in regard to the said Bill, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

MR. J. SMITH, of Victoria, in reference to his motion "That during the present session the House shall adjourn at 10 o'clock on Wednesday evenings" would say that he should like to alter the hour of adjournment to six o'clock. He was induced to make this motion because there were a number of hon. gentlemen who found the present long and continuous sittings was (sic) injuring their health<sup>47</sup>, and especially in the evenings, when the ventilation and atmosphere of the House were very injurious.<sup>48</sup> Besides, an early adjournment on Wednesday evenings would enable them to go through the business of the week with much more spirit and effectiveness.<sup>49</sup>

MR. LORANGER thought honorable members might meet at an earlier hour on that day, if they purposed adjourning earlier. If they did not do so they would only have three hours sitting.<sup>50</sup>

MR. J. SMITH had no objection to that course and suggested that it might be preferable to sit till seven o'clock and then adjourn.<sup>51</sup>

MR. CAMERON suggested that as in all probability the government would after a short time take three days in the week to themselves--if the proposed early adjournment were adopted, the House would only have Monday and hours on Wednesday for the private bills and other business of the country.<sup>52</sup> [He] would oppose the motion unless the Government were ready to state that they would only take two days of the week in future, and give to the House the remainder of the time.<sup>53</sup>

MR. HOLTON rose to a question of order. He would like to know by what right the member for Victoria had changed his motion, as it stood in the notice paper, from 10 o'clock till 6.<sup>54</sup>

MR. SOL. GEN. H. SMITH would move the motion as it originally stood and leave it to some honorable gentleman to move an amendment to it such as he proposed.<sup>55</sup>

MR. FELTON would move that "seven" be inserted instead of "ten."<sup>56</sup>

MR. MACKENZIE thought the hon. member for Victoria had a strange way of getting through the business of the House. He would first of all limit their sittings to 100 days, and then before they were well warm in their seats, he wanted to stop the business of a large portion of these 100 days! (Laughter.) The best thing they could do in the matter, would be to set about their business and adjourn as soon as it was finished.<sup>57</sup> Mr. Mackenzie ... censured members for delaying the business of the country, by refusing to bring forward their bills.<sup>58</sup>

MR. S. SMITH thought that if every hon. gentleman spoke at as great length as the hon. member for Haldimand, there would be extremely little probability of an early adjournment any night.<sup>59</sup>

MR. AT. GEN. DRUMMOND said that if the sense of the House was favorable to an early adjournment, the Government would not oppose the proceeding.<sup>60</sup> The practice in England was to adjourn at seven o'clock on Wednesdays.<sup>61</sup>

MR. RANKIN opposed the motion, as the tendency would be to prolong the Session.<sup>62</sup>

After some further observations<sup>63</sup>,

(115)

*Mr. James Smith moved, seconded by Mr. Wilson, and the Question being proposed, That, during the present Session, this House will adjourn at Ten o'clock in the evening on Wednesdays, if then sitting;*

*Mr. Felton moved in amendment to the Question, seconded by Mr. Loranger, That the word "Ten" be left out, and the word "Seven" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided:--And it passed in the Negative.*

*Then the main Question being put; the House divided:--And it also passed in the Negative.*

*Ordered, That the Honorable Mr. Cauchon have leave to bring in a Bill to change the Constitution of the Legislative Council by rendering the same elective.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.*

MR. MACKENZIE asked for information as to the course the Ministry were to pursue with regard to this Bill? Last year it was burked by their orders. Was the same rule to be applied this year?<sup>64</sup>

MR. COM. CR. LANDS CAUCHON said that the Bill had been already discussed--it being the same as that formerly introduced.<sup>65</sup>

(115)

*Ordered, That Mr. Darche have leave to bring in a Bill to allow Officers of Agricultural Societies to purchase seed grain whenever they consider it expedient for the encouragement of Agriculture.*<sup>66</sup>

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to explain and amend the Charter of the City Bank.*



*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

MR. CAMERON moved for "an Address to his Excellency for a copy of the charge delivered by the Hon. Judge Duval to the Jury on the trial, before the Criminal Court at Quebec, in the month of February last, of Kelly and others for the murder of Edward Corrigan." He spoke as follows:--Mr. Speaker, the reason I am anxious that the government should apply to the Hon. Mr. Justice Duval for a copy of this charge is, that there have been statements made in various newspapers of the province, of the substance and effect of that charge, which one is hardly prepared to believe, [so to] truly give the account of the charge which that learned Judge rendered to the jury upon the trial of that case. And it is because I believe that in all our transactions in this country, and more particularly with reference to the administration of rural justice, it is necessary that every one should feel the most implicit confidence in our Judges, that I earnestly desire that if there has been any misapprehension or mistake in the charge made by any Judge upon any case, but more particularly upon a criminal trial involving the death of the parties, that that mistake ought to be corrected in the only way I think that it can be, namely by a communication made by that Judge to the Government, through this House. It may be said probably that it is within the power of Judges to refuse to give to the Government that copy of the charge which he may have delivered to the Jury, but we all know that the Judges of the land are public functionaries, having that position before the public, and wishing to discharge their duties fearlessly and impartially; and therefore that they ought not to be (*sic*) subjected to having special and important cases laid improperly before the public (if they are so laid before the public) without the opportunity being offered to them of their being placed in that position in which they would desire, and likewise every lover of justice, and lover of their country, that the administration of justice should be shown to have been properly carried on in every individual case. Now it has been alleged in almost every paper, and in several papers which have been published in Quebec, in instances which I have seen, that in the course of that trial certain statements were made by the learned Judge in charging the Jury, from which every lawyer, and individuals generally accustomed to read such things and believe that such cases are decided upon principles of reason, must conclude that the charge as stated in those papers could hardly by possibility have been made by any man who had an accurate or anything like a fair acquaintance with the manner in which the criminal law ought to be administered. I do not in any way move for this address with the slightest wish in the world to throw any censure upon the honourable Judge who tried this case. I desire to have the charge which was delivered placed before the country, and if that charge were that which it has been made appear to have been in the newspapers, then I would desire to express my opinion upon it when it is authenticated, and to know if that was really the charge he delivered. What is the position which a judge occupies who under such circumstances would deliver such a charge to the jury? There is one circumstance alone in that charge which requires to be properly laid before the country, and we ought to know, if it has been, in what manner it has been presented. It is this: it is a principle of our law that men who band themselves together for the commission of unlawful conduct, are responsible for all the consequences which arise in the prosecution of their purpose; and that if a number of persons unite to commit an unlawful act, (so taken to be) small in its character, and not the highest degree of crime, yet, that if in the prosecution of that act it attains that highest degree of crime, all those parties who are engaged in it are equally wrong as if they had orig[i]nally intended to have carried out the commission of that crime in the most extended manner. For instance, if in the course of the charge by the

judge to the jury upon this trial, it was stated, that if a number of men combined together to commit an assault, and with no felonious intent whatever, and that in the course of that assault blows are struck which result in the death of the individual so struck, it was stated that it is not the offence of murder committed by any of the parties who so combined together, but only an act of murder on the part of the person by whom the blows were struck, or of manslaughter according to circumstances, it would be an illegal charge. Now the papers which have published the charge of the learned judge upon this trial, have published (all of them that I have seen,) that that was the manner in which that charge went to the jury. Well, I cannot believe it. I am not prepared to believe that any man who has sate in the highest Court of the land administering the criminal justice of the country, can have ever said, that if a number of men unite together to commit an unlawful act, and that if in the course of that act, the crime is carried to a higher degree than was originally intended, that a man is not guilty of that unlawful act, although it does go to the highest point of commission. And it cannot be said to be the law of this land or of Great Britain, that any number of men can unite together to commit an assault upon a man, and that the consequences of that assault are the death of the individual, and that when nineteen out of twenty, strike blow after blow, that it is only the last man who struck the blow which produced the death who is guilty of manslaughter. That is not the law of the land, or one which any lawyer in this House would stand up and support. And yet we find that principle of law land (*sic*) down in the charge of the Judge to the jury in the case under consideration. I must again reiterate, that I do not believe the learned Judge did so lay down the law, and I think that we ought to have from that learned Judge, laid before this House the fact, and this House ought to require it and the government demand of him, what the charge was which was really given to the jury upon this occasion. There is no doubt, that that charge in this trial has caused a great deal of excitement throughout all the country<sup>67</sup>, and it was of the utmost importance to the land that confidence in the administration of justice should be preserved, and that the public mind should be set at rest relative to this charge.<sup>68</sup> And it is beyond all question advisable, that we should all of us know how the criminal justice of the country is administered, and if there has been any error made as to the manner in which such a charge has been delivered, that that knowledge ought not to be kept from us. We know that according to the statute, judges can be called upon to deliver notes of witnesses' evidence and of the objections which they may have taken down, and copies of whatever they have gathered together for their own information and that of the Court of Appeals, and that that is by the law of the Imperial Parliament as well applicable to matters occurring within the Kingdom of Great Britain and Ireland itself, as it is to these colonies; because the rights which are granted are given to the judicial committee of the Privy Council in England, to send to the judge in this country and demand copies of evidence, notes of objections and all the matters coming before the Court, in order that the judicial Court in England may have an opportunity of knowing what was done. If those rights have been given by statutes, I should think that there would be no difficulty in our obtaining a clear and fair knowledge of the position in which the parties were placed, who were trying this case by the charge of the judge, and that we should know distinctly whether that charge is the one which has been published; and I allude now to no other point but that one simply which we can all understand. But there are other points which may be also referred to. I allude simply to that because it lies at the foundation of all the administration of criminal justice with regard to matters of this kind, and because it lies at the foundation of every charge of conspiracy, and of union among parties, that wherever men meet together to do a wrongful act; although in the prosecution of that wrongful act it may be carried to an extent not contemplated in the

commencement, every man is responsible for the consequences when enagaged (sic) in such a combination to commit an act which is wholly unlawful of itself, and which may result in the most disastrous and fatal consequences, by going beyond the act or not, which was originally intended by the parties thus acting together. That is a principle which cannot be controverted, but which would appear to have been upon that trial, and I think it is due to the honourable judge who, it is represented, laid down such a charge, that this House should know from his own hand, whether such a charge was made by him or not; and it is upon that ground that I move for the address, in order that a copy of the charge may be laid before this House.<sup>69</sup>

(116)

*The Honorable Mr. Cameron moved, seconded by Mr. Gamble, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Charge delivered by the Honorable Judge Duval to the Jury at the Trial before the Criminal Court at Quebec, in the month of February last, of Kelly and others, for the murder of Edward Corrigan.*

*And a Debate arising thereupon;*

MR. ALLEYN said he had no doubt that the hon. judge alluded to would give a note of his charge to the jury with pleasure, in this case if required by this House. Being one of the lawyers interested in the case he could say<sup>70</sup> that not one of the lawyers..., though most anxious to defend their clients, had laid down the principle referred to by the hon. member for Toronto. Such a principle would be subversive of the administration of all criminal justice in the country.--And most certainly it was not laid down by the able Judge who presided. He did not place any reliance on the newspapers, as they had prejudged the case while the trial was going on, and even before the evidence for the prosecution was completed.<sup>71</sup>

MR. SICOTTE the SPEAKER called the hon. member to order for going into the particulars of the case.<sup>72</sup>

MR. ALLEYN.--Reference was made to the papers--but he must say that the majority of the papers there are conducted in ... such a way that the public are not much interested in them, and their statements are not entitled to respect. He would vote for this motion and would be glad to see the charge brought before this House. He would say that a very great injustice had been done to the hon. judge by many of the newspapers in this Province, and great injury has also been done to the jury. He did not wish, however, to go into the question at this moment.<sup>73</sup>

MR. WILSON.--I wish to know whether the judge charged the jury as stated by the hon. member for Toronto?<sup>74</sup>

MR. ALLEYN.--I do not believe there is a judge in the land that would lay down such a preamble.<sup>75</sup>

MR. AT. GEN. DRUMMOND.--I admit that the people of this country have a deep interest in knowing how justice is administered, and what are the principles laid down by the Judge in charging the jury in such an important case as this, the result of which astonished every one, and none more than myself. I know not by what means it was brought about that parties who slaughtered a man in open day, in the midst of a public fair, should escape from justice, as these men did, and I trust that the House will allow me to say that this arose from no neglect on the part of the



Government. It has been announced in various ways that the Government did nothing for a long time till urged into action.<sup>76</sup>

MR. SICOTTE the SPEAKER.--Order! This discussion is becoming irregular. The question is whether the charge shall be asked for by the House.<sup>77</sup>

MR. AT. GEN. DRUMMOND proceeded.--None regrets more than I do the result of this trial. I will not take it upon myself to blame either judge or jury; but it is a most unfortunate thing in the history of this country, that a man has been slaughtered in broad day-light, and that the men who slaughtered him should be allowed to escape unpunished. None deplores it more deeply than I do. At the same time, I do think that the motion made by my hon. friend from Toronto would, if it were voted by this House, establish a very dangerous precedent. I do think that, without some proof of the misconduct of a judge, so serious an accusation against his character ought not to be pronounced by a majority of this House. I think it would be a most dangerous thing, if the House should not act as it did on a former occasion, when vague charges were brought against another judge, which were rejected at once, because there was no reason to expect that there was any foundation for them. I think this can only be demanded, on a positive accusation being brought against him.<sup>78</sup> Would his hon. friend establish the doctrine that every man, every judge, every minister who may be accused in the newspapers of any crime, must come forward with a denial of charges, and if he does not deny them, he is to be considered guilty?<sup>79</sup> I do not consider we are entitled to proceed in so serious a matter, on mere unauthorized reports in newspapers, made by men who do not always understand the principles of law<sup>80</sup>, and who very frequently misunderstand the nature of the statement made<sup>81</sup>; while, on the other hand, we have the assertion of one of our colleagues who was present, that the learned judge laid down no such doctrine as that which has been stated. The Attorney-General then stated that he had received a letter from<sup>82</sup> one of the most distinguished barristers of the bar at Quebec--that called himself a protestant, which states that he is very sorry that Judge Duval has been so seriously accused in the papers, for his charge was remarkable for its ability and impartiality. That charge led several persons who were present to say that he had charged fairly against the prisoners. But he [Mr. Drummond] would deny that this House had any power to ask that hon. judge for a copy of his charge.<sup>83</sup> He trusted his hon. friend would not persist in his motion. If any such demand was made on Judge Duval, he would be justified in sending as his answer the Act securing the independence of judges.<sup>84</sup> He knew that when the executive were called upon to perform the duty of advising their Sovereign upon the exercise of the important privilege of pardon--then the executive may call upon the judge for his notes of evidence, and also for his opinion on the case. But when the Executive have no duty to perform he could not see by what right they could call upon the judge for a copy of his charge, merely upon the ground that some newspaper editor had stated that the judge had laid down a principle of law which he (Mr. Drummond) was convinced no Judge would ever lay down.<sup>85</sup>

MR. SOMERVILLE begged to remind the House that this was not the first charge of the kind brought against Judge Duval. He had no doubt, a case would be recollected, in which about a year ago, an unfortunate man named Gray, was convicted of murder, although perfectly innocent, on account of the charge of this Judge, but the difference was that that unfortunate man was a Protestant. (Order.)<sup>86</sup>

MR. AT. GEN. DRUMMOND said if the hon. gentleman was in order in bringing up this case he would be allowed to explain that it was because the counsel failed to bring forward the exculpatory evidence that the man was convicted--<sup>87</sup>

MR. SICOTTE the SPEAKER.--Order.<sup>88</sup> That other case should not be introduced into this discussion.<sup>89</sup>

MR. SOMERVILLE said he had adduced it as a reason why the address should be granted, that this was not the first time that Judge Duval had delivered an extraordinary charge. The medical evidence showed that no murder had been committed, and yet in spite of that the Judge charged the Jury against the prisoner.<sup>90</sup>

MR. SICOTTE the SPEAKER.--Order--the hon. gentleman should not allude to any charge but the one in question.<sup>91</sup>

MR. SOMERVILLE did not intend to say anything contrary to the rules of this House; but he thought this a strong reason why this motion should be granted. He thought that in considering this case they should also consider the case of that unfortunate man who was--<sup>92</sup>

MR. SICOTTE the SPEAKER.--Order.<sup>93</sup>

MR. BROWN.--I think Mr. Speaker, it is to be regretted, that you should not permit reference to be made in this debate to other cases of a similar character to the one brought before the House by the hon. member for Toronto. It appears to me with all deference to the learned Attorney General, that notwithstanding the Act to establish the independence of the Judges, there is a responsibility on this House to protect the citizens of this country from what we, acting as the highest Court in the Province, may consider an improper exercise of power by the Judges. I can conceive no more sacred duty that can be entrusted to us, than to enquire into such cases as this under discussion. For what is the fact? I take the statement of the Attorney-General himself, that a man was murdered in broad day-light, in a public fair, and simply because he was a Protestant. (Order.)<sup>94</sup>

MR. AT. GEN. DRUMMOND.--I did not say that.<sup>95</sup>

MR. S. SMITH.--The Attorney General did not say so.<sup>96</sup>

MR. BROWN.--Well, I say it; and the whole evidence bears me out in saying so. (No, no.)<sup>97</sup>

MR. SICOTTE the SPEAKER.--Order! The facts of the trial are not before the House in a shape in which the House can enter upon them, and no debate in them, therefore, can be allowed.<sup>98</sup>

MR. BROWN.--But this is a very peculiar case. We have a strange state of affairs growing up in Lower Canada--a most lamentable and alarming state of affairs. We cannot close our eyes to the fact, that, there are two parties in Lower Canada, and that this case has excited very strong feelings between them. Nor is this the first case. There are unfortunately other cases by which those same feelings have been excited.<sup>99</sup>

MR. COM. CR. LANDS CAUCHON.--By the Globe!<sup>100</sup>

MR. BROWN.--I really do think that it becomes the Commissioner of Crown Lands to conduct himself with decorum in a matter of this importance, and not throw rude remarks across the House.<sup>101</sup>

MR. COM. CR. LANDS CAUCHON merely said that all this feeling about the case, and about two parties in Lower Canada, was caused by the Globe.<sup>102</sup>

[MR. BROWN:] This is a very serious matter<sup>103</sup>. It unfortunately had been a conviction that justice could not be had where the interests of one party were concerned.<sup>104</sup> And it is evident that with the repetition of such cases, excited feeling will grow still more embittered. I deeply deplore it, and would like to see some more definite action taken on this motion than it appears that we are likely to have.<sup>105</sup> It was all very well to say that they could not believe the newspaper reports, and that, therefore, they must ignore this matter altogether.<sup>106</sup> The hon. Attorney General speaks of erroneous reports, but there were several reports of this charge--<sup>107</sup>

MR. AT. GEN. DRUMMOND did not say that the House could not enquire, but that he thought the Executive had no power to order the judge to produce the charge.<sup>108</sup> The House could only pass such an address, on an accusation being brought.<sup>109</sup>

MR. BROWN.--I do not know what an accusation is, if an accusation has not been brought by the Attorney General himself.<sup>110</sup> That hon. gentleman stated that a murder was committed in broad day light, and it was proved by a number of witnesses.<sup>111</sup>

MR. AT. GEN. DRUMMOND sincerely deplored that the murderer should have escaped, seeing that the murder was committed in broad day light.<sup>112</sup>

MR. BROWN.--Then the statement was that a man was slaughtered in broad day light, and that the persons who slaughtered him had not been convicted.<sup>113</sup> This very fact shows that there must have been something remarkable in regard to the trial, and affords a sufficient reason for enquiring how that result came about. (Hear, hear.)<sup>114</sup> If the hon. member for Toronto was correct in his view of the law, and of the reports which are circulated, they were bound to enquire into it, and he did hope the House would not allow the matter to pass over. With regard to the newspaper statements, he would say that it was not merely newspaper statements<sup>115</sup>--

MR. S. SMITH.--How do we know that?<sup>116</sup>

[MR. BROWN:] They were short-hand reports, as I understand, and taken with the greatest care; And as we know that proceedings in Courts of Law are more easily and accurately reported than ordinary speeches at public meetings, I do not think that they should be set aside as "mere newspaper reports."<sup>117</sup> Even if the statements of the Judge had not been taken down in short hand, they might be correct..., and as a proof of the general correctness he could say that for years the proceedings of the Courts of Law had been reported in Upper Canada, and he was not aware of any attempt ever made to impeach the general accuracy of these reports.<sup>118</sup> The law reports in Canada are as accurate as those given by the press of any country. I do hope, however, from what has fallen from the hon. member for Quebec (Mr. Alleyne) that there has been some misapprehension. But I do think that the whole circumstances are of such a nature as to make an enquiry necessary. (Hear, hear.) I will say one thing more before sitting down. I think the Solicitor General, who was present during the whole trial, should give us some information on the subject. (Hear, hear.) It is not a question to be treated lightly. From considerable knowledge of the views of a large portion of the people of Upper Canada, I can say that a great deal of feeling has been excited by this case, and the more so, that this is not the first, but that



there have been other cases of the same kind. (Hear, hear.)<sup>119</sup> This rendered an enquiry imperative.<sup>120</sup>

MR. WILSON said that this was a question that ought to be approached with the greatest calmness. The question was how we are to proceed in the matter. This House, constituted as it is, cannot discuss the matter now before the House as it ought to be discussed. If we do present the address to His Excellency can we call upon the judge to give a copy of the charge? And if His Excellency cannot call upon the judge for his charge, how can we call upon him to do so? He could not conceive it possible that the judge charged the jury in the way it was alleged. He did not think it possible now to get the real charge that the judge made, as it was more than probable that the charge was not taken down in writing. The main question was, whether we can legally get the papers? There is no mode by which this House can enquire into the alleged charge. The House should pause a moment and consider and not rush rashly into the matter.<sup>121</sup> [He] thought that some machinery should be created by which a proper supervision should be exercised over the judiciary.<sup>122</sup>

MR. LYON considered this a very important matter in which the Protestant community of Upper as well as Lower Canada were deeply interested.<sup>123</sup> The question was one that if not attended to at once, might entail evils that would grow to an alarming extent. The charge against the judge was a very grave one, and one that should be enquired into. He did not see any reason why the address should not be presented. If the charges were not true, we should give the judge an opportunity of clearing himself before the country. In Upper Canada judges make notes of their charges, and he had no doubt that they followed the same practice in Lower Canada. If the charge was asked for and refused, then the House ought to take the reports in the newspapers as a charge against the judge, and then let him clear himself if he could.<sup>124</sup> By the course proposed they gave him an opportunity of putting himself right with the country, and did him no wrong. To have the charge refuted would tend to quiet the country, which was now excited about the matter. If that report were true, the Judge must be brought to trial for his conduct. It was just to that portion of the community to which he belonged that a matter apparently so outrageous should not be passed over in silence.<sup>125</sup>

MR. S. SMITH was entirely opposed to the motion for several reasons. He admitted that there had been a good deal of excitement on the subject of the recent trial at Quebec; but he did not think it was the best way to allay<sup>126</sup> the religious feeling now prevalent, to talk continually of Protestants and Catholics<sup>127</sup> in this House. He admired the course taken by the hon. member for London in the matter. How do we know that any man had been murdered? How do we know that any man had been tried? Or how do we know that a charge had been given by the judge? How are we acquainted with these things, but because a few gentlemen chose to write about those things in newspaper[s]<sup>128</sup>--several of which statements, honourable members of this House deny. Is it fair to bring such grave accusations as have been alleged, merely on the word of the newspapers? Do we not know that the papers are filled with lies about almost every one? Let it be the poorest man or the richest, it matters not to the papers.<sup>129</sup> And because they made a statement they should not waste the time they should devote to the business of the country in finding out whether it were true or false. The fact was, there was a mere rumour, denied positively by a member of the House present at the trial.<sup>130</sup> We are unable to fix upon any accuser of the learned judge. He would ask the member from Toronto if he was prepared either to make this serious accusation, or even to endorse the words of the newspapers.<sup>131</sup>

MR. CAMERON.--No.<sup>132</sup>

MR. S. SMITH.--Then the statement of the member for Toronto was merely hypothetical--it was a mere waste of time; and was brought forward because the hon. member saw it in a newspaper.<sup>133</sup> Then he [Mr. Smith] protested against granting the address. Nothing could be more mischievous than establishing a precedent, without a petition containing an accusation, or any one prepared to take the responsibility of bringing a charge, to call upon a Judge to explain his conduct, or to call his conduct into question was monstrous.<sup>134</sup> In conclusion he would say that he did not think that we had the power to get the charge from the judge.<sup>135</sup>

MR. RANKIN said the object of the address was not to bring charges against Judge Duval, but simply to respectfully request him to lay information before the House, so as to exonerate him from these charges. No one deprecated more than he did religious animosities in this House.<sup>136</sup> It was very wrong for any member of the house to insinuate that the judge was actuated by prejudice or bigotry.<sup>137</sup> He is accused of an extraordinary charge. He could see no harm in the judge being called on for his charge. If he is free from all blame, doubtless he would be happy to give the document to the House. If he declines so doing, he thought, at least, it would look very suspicious. Is it desirable to have this information?<sup>138</sup> There can be no doubt the murder was committed--and the names of the murderers were known. And were those parties to be let loose to commit, perhaps, the same crime again?<sup>139</sup> It undoubtedly must excite surprise in the community, that the murderers have been exonerated. He would treat judges with respect, but he could not understand that delicacy which would treat judges as if removed from the influences which affect other people.<sup>140</sup> The hon. member, in conclusion, stated that he would vote for the address.<sup>141</sup>

MR. TURCOTTE spoke briefly, in French<sup>142</sup>. [He] was surprised that a gentleman holding so high a position as the honorable member for Toronto, one of the foremost barristers in the whole province--acknowledged to be at the head of his profession--should take such a course. He, at least, ought to feel that the Courts of Justice must be respected if they would have the law obeyed. The ministers of justice ought not to be subjected to the caprices of either branch of the legislature. They could only be prosecuted after a certain fixed mode of procedure.<sup>143</sup> Je crois, M. l'Orateur, que la Chambre ferait preuve de respect envers la justice en mettant de côté la motion de l'hon. député de Toronto. La proposition renferme, en effet, des principes subversifs, le germe d'un grand bouleversement dans l'administration de la justice, une attaque imméritée contre le juge Duval et, le dirai-je? contre toute la magistrature du Bas-Canada; car, jusqu'à ce qu'une accusation formelle s'élève contre un juge et l'excommunie, pour ainsi dire, du corps respectable auquel il appartient, tous les membres de ce corps sont solidaires les uns des autres; toucher à l'un, c'est empiéter sur les droits de tous. J'oserai dire que la magistrature du Bas-Canada est trop hautement placée pour descendre aux paradoxes que lui a imputés l'Hon. député de Toronto, sur la foi des journaux. Accepter la motion de ce dernier, serait faire descendre cette magistrature du rang qu'elle occupe, l'enchaîner par la peur, la faire courber à chaque sentence sous le poids d'une enquête, selon que la majorité de la Chambre, c'est-à-dire un parti politique quelquefois contraire aux principes du juge, agréera ou non la sentence qu'il aura prononcée. Aussi, je m'élève de toutes mes forces contre cette motion.<sup>144</sup>

Applaudissements à droite; froid silence à gauche.<sup>145</sup>

[MR. TURCOTTE concluded by denying] the assertion of the hon. member for Lambton that there were two distinct parties in Lower Canada; a Protestant and a Catholic party; there might be two Irish parties, but not Canadian.<sup>146</sup>

MR. LORANGER.--Je suis heureux que ce sujet ait été porté devant la Chambre, car cela me fournit l'occasion de rendre justice à l'intégrité du juge Duval, de parler de ses talents, de faire briller son impartialité et triompher son innocence contre toutes les clameurs qui s'élèvent contre lui dans une presse bien plus fanatique, bien plus bigote que ceux qu'elle se plaît à désigner sous ces noms.<sup>147</sup> He would be happy to see the charge of Judge Duval, because it would be evidence that he had not laid down the charge as stated in the newspapers. It was impossible from his standing and ability as a professional man that he should lay down such a charge. He was one of the first lawyers, and is now one of the first judges in Lower Canada. He (the speaker)<sup>148</sup> would like the charge produced for another reason, namely, that the people here might see that the judges in Lower Canada dispensed the law as it should be dispensed.<sup>149</sup> There was not one single judge in Lower Canada who could give such an interpretation as was alleged. He should vote against the measure on the ground of its unconstitutionality. It was a dangerous precedent to establish this questioning of judges and juries. If any member stood ready to impeach Judge Duval let him say so, and he would lend his assistance to obtain the redress.<sup>150</sup>

CAPT. RHODES said it seemed to him that there had been a good deal of special pleading in this matter. It was the habit of learned gentlemen to differ from each other, he believed; but the matter was a very serious one, and he felt with respect to the mode of procedure they might follow the authority of the learned and hon. member for Toronto. There is a considerable portion of the people of Lower Canada--of whom he was one--who did not feel that confidence in the administration of justice there which they would be glad to feel<sup>151</sup>. Complaints like the present one do happen in the Lower Province<sup>152</sup>, and the step taken by the hon. and learned member would be acceptable to that portion of the people. They felt the necessity of such a proceeding, but unfortunately none of the legal members of that part of the Province seemed prepared to take the matter up. He hoped the hon. member would go on.<sup>153</sup> He would support him in his motion as an independent member.<sup>154</sup>

MR. FELTON was much surprised that any one would attempt to lower the house by bringing such a charge against Mr. Justice Duval, upon the mere dictum of a newspaper. It was a fact that no member for Lower Canada, where Judge Duval was well known, much less any member of the legal profession, would be found from Lower Canada to bring forward this motion, and he (Mr. F.) felt proud that such was the case<sup>155</sup>. (Cries of order, order.) He considered it a strong argument in Judge Duval's favour that no one would move these charges. He should be ashamed to make similar charges. It was a most indecent thing to occur.<sup>156</sup> (Loud cries of order, order, chair, chair.)<sup>157</sup>

MR. SICOTTE the SPEAKER ... called Mr. Felton to order<sup>158</sup>.

[MR. FELTON] apologized to the House and withdrew the expression, at the same time he much regretted that the motion had been brought forward<sup>159</sup>. He would say that there is a professional decorum which should prevent any gentleman from thus attacking a Judge high in standing.<sup>160</sup>

MR. CAMERON denied that he had attacked Judge Duval in his remarks.<sup>161</sup>



MR. FELTON said that every lawyer from Lower Canada had spoken well of Judge Duval<sup>162</sup>, and he would remind the House that any one acquainted with Judge Duval would be well aware that he was incapable of acting as had been described.<sup>163</sup> The professional men of Lower Canada were quite ready and able to take up the matter, if they had deemed it a proper thing, but the course adopted was calculated to do harm instead of good.<sup>164</sup> Another objection to the motion arose from the fact that the Judges are not amenable to this House, as it is provided by the common law that the Judges are not amenable to the Legislature, and not only are they independent of the Legislature, but of even the Crown, and it is only upon joint addresses of the two branches of the Legislature, or by direct impeachment that the case could be met; yet what position does the hon. member for Toronto place himself in, and wish to place this House in, by nothing short of constituting itself a Grand Jury to find a true Bill against Mr. Justice Duval; and why, he would ask, should the member for Toronto bring such charges against Judge Duval.<sup>165</sup> Gentlemen should be satisfied that these newspaper statements are true before they cast imputations upon the learned Judge.<sup>166</sup>

MR. CAMERON rose to order, and said he could not allow the hon. gentleman to place words in his (Mr. C.'s) mouth, which he had never uttered.<sup>167</sup> He had [not] cast any imputation on Judge Duval. He said the House must see that he was careful not to let words fall which would bear any such construction.<sup>168</sup>

MR. FELTON continued, at least the hon. gentleman has taken the charges up from newspaper reports, and had stated that he believed--<sup>169</sup>

MR. SICOTTE the SPEAKER called order order.<sup>170</sup>

MR. FELTON persisted that Mr. Cameron must have believed the charges or he would not have brought the motion forward (order, order). He (Mr. Felton) would ask if it was no punishment to one in the position of Judge Duval, to find such charges brought up, and such discussion into his conduct as had taken place during the present discussion, and that not by the members of his own profession in Lower Canada.<sup>171</sup> When a man of his [Mr. Cameron's] reputation, rose and said he felt it his duty to bring this matter under the attention of the House, it was an imputation of itself. The effect of such a debate conducted by a man of his reputation throughout the province must be mischievous, and tended to shake confidence in the administration of justice in Lower Canada.<sup>172</sup> The hon. gentleman from Toronto makes statements here and the people say that the opinions of Judge Duval are incompatible with law. He would ask how far the opinions of the hon. gentleman from Toronto were compatible with law. He says that where several parties are in company together, and one or more of them commit unlawful acts, they must all be held as guilty.<sup>173</sup>

MR. CAMERON.--I said nothing of the kind.<sup>174</sup>

MR. FELTON.--It was something very like it then.<sup>175</sup> He would not enter into a discussion of the present question. (Cries of "Do!" "Do!") He considered that if the law was carried to the extent which the hon. member from Toronto would give it, all the persons on that fair ground must be held guilty.<sup>176</sup>

MR. SICOTTE the SPEAKER again called Mr. Felton to order amidst loud cries of order, order--chair, chair.<sup>177</sup>

MR. FELTON continued, that the judge took down the evidence as given in court; and that it was upon such evidence that he founded his charge<sup>178</sup>. It was a notorious fact that Judges did not have notes prepared for their charge to the jury. Now gentlemen say, if these notes are not given it will appear suspicious. He would put it to the House if this was a fair mode of procedure. And, moreover, it would be unfair to condemn a man upon the production of a charge written from memory.<sup>179</sup>

MR. J.S. MACDONALD here rose and suggested that the debate was of so important a nature that it would be desirable it should be postponed to Monday. He could not give a silent vote on so important a matter<sup>180</sup>. Many of the members were going home, and the debate, if continued to-day, would last till a late hour. He would therefore move its postponement till Monday.<sup>181</sup>

MR. AT. GEN. DRUMMOND read from Hansard, to show that the motion was irregular.<sup>182</sup> [He] cited several English cases to show that in similar circumstances in Britain the motion had been withdrawn or the resolution if passed, afterwards rescinded.<sup>183</sup>

After some remarks the motion was adopted<sup>184</sup>.

(116)

*The Honorable John Sandfield Macdonald moved, seconded by Mr. Papin, and the Question being put, That the Debate be adjourned until Monday next; the House divided:--And it was resolved in the Affirmative.*

[It being] six o'clock MR. SICOTTE the SPEAKER left the chair<sup>185</sup> [and] the House ... took a recess till 7½ P.M.<sup>186</sup>

(116)

*Ordered, That Mr. Charles Daoust have leave to bring in a Bill to amend the Act 13 & 14 Vic. cap. 37.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Charles Daoust have leave to bring in a Bill to change the place of sitting of the Circuit Court of the Beauharnois Circuit.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Charles Daoust have leave to bring in a Bill to extend the provisions of the Act 18 Vic. cap. 108, to the Lessors and Lessees of Furniture and moveable property in certain cases.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Gill have leave to bring in a Bill to amend the Acts amending the Laws relative to Courts of Original Civil Jurisdiction in Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Bureau have leave to bring in a Bill to make better provision for the administration of the property of Minors, Absentees, Interdicted persons, and others incapable of administering their own affairs, in Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Sanborn have leave to bring in a Bill to amend the Act establishing Mutual Fire Insurance Companies in Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Bureau have leave to bring in a Bill to authorize the redemption of certain ground rents in Lower Canada.*<sup>187</sup>

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

MR. FREEMAN [moved an] "Address to His Excellency for certain financial and other returns respecting the University of Toronto, the Upper Canada College, and Royal Grammar School."

Mr. Freeman said, in bringing this motion forward, he trusted that there would be no objection raised, as the sole object was to ascertain what funds were available for education under the provisions of the Act. And the enquiry had arisen from the deep interest which the public take in the educational measure. It was desirable that the public should know what sum was set apart for the purposes of education--what for the building [of] Trinity College--he (Mr. F.) had heard that the sum of 70,000L was set apart for building, besides a large sum for library. He would point out to the House the manner in which the surplus fund was to be applied, remarking that as Trinity College only cost 9,000L in building, he could not see the necessity of setting apart the present large sum of 70,000L. It was desirable to know if there was any funds available for appropriation by this Legislature, and for that purpose he had moved for these returns.<sup>188</sup>

MR. AT. GEN. DRUMMOND objected to the first clause of the Address.<sup>189</sup>

MR. FREEMAN was desirous that the hon. gentleman would withdraw his objection--as the Address was reasonable, as it was right the country should know if they were reaping the benefit of the Act referred to, and the provisions ther[e]in made, and he was of opinion that the motion would meet with the support of the country members.<sup>190</sup>

MR. AT. GEN. DRUMMOND observed that the Ministry was not bound in Law to make the returns required.<sup>191</sup>

MR. FREEMAN was of a different opinion. He had an impression that they were bound to make those returns, if the Governor General required it.<sup>192</sup>

MR. AT. GEN. DRUMMOND said he did not know if the Gvvernor (sic) could require the College to furnish the information under the 10th head, the residences of the Parents or Guardians. The University was not bound by law to make such a return.<sup>193</sup>

After a short discussion the motion was agreed to.<sup>194</sup>

(116)

*On motion of Mr. Freeman, seconded by Mr. Hartman,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to ... be laid before this House,*



a Return, shewing, Firstly, The number of acres of land originally set apart for the Endowment of the University of Toronto and the Upper Canada College respectively.

(117)

Secondly, The number of acres sold up to the passing of the Act 16 Vic. cap. 89. Thirdly, The amount of the principal of the Income Fund of the University of Toronto and the University College, and of the Upper Canada College and Royal Grammar School respectively, the lands unsold to be estimated at their probable value. Fourthly, The Income arising from such principal Funds respectively during the last year, shewing what part of such income was obtained for fees for tuition, examination, degrees, certificates of honor, or otherwise from scholars. Fifthly, The cost of the buildings and expense up to this time of fitting up the grounds which formerly belonged to the University of Toronto. Sixthly, The cost of the buildings and expense up to this time of fitting up the grounds which formerly belonged to the Upper Canada College. Seventhly, The quantity and situation of the land and property vested in the Crown for the use of the above named University of Toronto and University College, or the Upper Canada College and Royal Grammar School, which up to this time has been assigned by the Governor in Council under the authority of the 56th section of the Act 16 Vic. cap. 89, for the use and purposes of such Institutions or either of them, and the probable value thereof, with the date of any order making such assignment. Eighthly, The amount of any appropriation made by the Governor in Council under the fifty-ninth section of the said Act, up to this date, for permanent improvements or additions to the buildings on said property, or for any other purpose which has not already been expended, and the date of the order for such appropriation. Ninthly, The number of Professors or Teachers employed in the University College, with their salaries and perquisites respectively, and the number of scholars taught by each Professor during the past year, and the average number taught by each Professor during such period; also, the total and average number in attendance at said College during such time. Tenthly, The residence of the Parents or Guardians of such scholars, whether within or without the City of Toronto, to be given in number. Eleventhly, The same information respecting the Upper Canada College and Royal Grammar School. Twelfthly, The annual expense of managing the Endowment and General Income Fund of such Institutions respectively. Thirteenthly, The total expense of the above Institutions respectively during the past year, including the salaries of the Professors and Officers. Fourteenthly, The amount of the surplus of the University Income Fund now remaining on hand at the disposal of Parliament, for Academical Education in Upper Canada.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Jean Baptiste Eric Dorion have leave to bring in a Bill to regulate the administration of Fabriques in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the seventeenth instant.<sup>195</sup>

MR. EVANTUREL moved for leave to introduce a Bill to place the Turnpike Roads in the vicinity of Quebec under the control of two separate Commissioners.<sup>196</sup>

MR. BROWN said the roads in Lower Canada should be placed on the same footing as in Upper Canada, and not be supported by the Province.<sup>197</sup>

MR. CASAULT said the object of the Bill was simply to divide the Trust into two, one for the north and the other for the south shore.<sup>198</sup>

After some further conversation, the Bill was read a first time<sup>199</sup>.

(117)

*Ordered, That Mr. Evanturel have leave to bring in a Bill to place the Quebec and Point Lévi Turnpike Roads under the control of two separate Trusts.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

MR. C. DAOUST (Beauharnois) moved an Address to His Excellency for a list of all the Counties in Lower Canada, the Municipal Councils of which have not acted in accordance with the provisions of the Act passed during the last Session of Parliament, to provide for the establishment of a Registry Office in each of the electoral (sic) divisions, together with a general statement of the proceedings of the Executive Government in the matter.<sup>200</sup> He said that notwithstanding many Councils had fulfilled the conditions of the law, he believed that nothing had been done by the Government to give it effect. He would not imply improper motives to the Government, but it was well known that an army of aspirants for the office of Registrar might be extremely useful at a general election, and the delay of the Government was calculated to create suspicion.<sup>201</sup>

MR. AT. GEN. DRUMMOND replied that it was to be regretted that the Registry offices had not been organized sooner; that they had not been was partly due to the unsatisfactory system of the ambulatory Seat of Government, which had caused much time to be lost; partly also to the want of conformity to the law on the part of the Municipal Councils. Measures, however, will be taken to carry out the law speedily. He repudiated any electioneering motives.<sup>202</sup>

The motion was then carried.<sup>203</sup>

(117)

*On motion of Mr. Charles Daoust, seconded by Mr. Valois,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a List of all the Counties in Lower Canada, the Municipal Councils of which have not acted in accordance*

(118)

*with the provisions of the Act passed during the last Session of Parliament to provide for the establishment of a Registry Office in each of the Electoral Divisions.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

MR. CHISHOLM moved to refer the petition of Thompson Smith and others, and of Avon (sic) Oliphant and others, praying for the passage of a law to protect their property from injury, to a select committee of five members, to be composed of Messrs. Angus Morrison, McCann, Roblin, Niles and the mover, with power to send for papers and records, and to report thereon.<sup>204</sup>

(118)

*Resolved, That the Petition of Thompson Smith and others, of the Counties of Halton, Peel and York, be referred to a Select Committee, composed of Mr. Chisholm,*

*Mr. Angus Morrison, Mr. McCann, Mr. Roblin, and Mr. Freeman, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*Ordered, That the Petition of Aaron Oliphant and others, of the Counties of Halton, Peel and York, be referred to the said Committee.*

*Ordered, That Mr. Biggar have leave to bring in a Bill to incorporate the Mount Pleasant Seminary Association.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

[On motion of] MR. HARTMAN<sup>205</sup>,

(118)

*Ordered, That all Petitions which have been or may yet be presented to this House, during the present Session, praying for any legislation on the subject of the traffic in intoxicating liquors, be referred to the Select Committee appointed to inquire as to the best means of suppressing the vice of Drunkenness.*

*Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to amend an Act to abolish the right of Primogeniture, and to afford relief to parties succeeding to the real estate of persons dying intestate, in certain cases, in Upper Canada.*<sup>206</sup>

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to amend the Law relating to the sale of land for taxes in Upper Canada.*<sup>207</sup>

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

MR. CAMERON introduced a bill in relation to Foreign Insurances.<sup>208</sup>

MR. BROWN asked what was the object of the bill?<sup>209</sup>

MR. CAMERON said the object of the bill was to enact that foreign insurance companies establishing agencies in this country shall be bound to furnish to their agents copies of their charters, and the state of their securities. It was the same bill he introduced last session.<sup>210</sup>

MR. BROWN hoped the Government would fulfil their promise made last session, to introduce a general measure for the regulation of all these insurance offices. It was very evident that many of these offices did not give that security which was desirable; it was therefore really necessary that there should be a general law for their regulation.<sup>211</sup>

MR. MACKENZIE said there was a great complaint in this country of the way in which many of their offices were managed, and any one who looks at the exposures which are made of such offices in the neighboring State, will say that it is the duty of Government to bring down a general measure for their regulation.<sup>212</sup>



(118)

*Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill in relation to Foreign Insurance Companies and Insurance Agents.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That Mr. Laberge have leave to bring in a Bill to afford legal redress to persons having Claims against Her Majesty's Government in this Province.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the seventeenth instant.*

*A Bill to change the tenure of the Indian Lands in the Township of Durham, was, according to Order, read the third time.*

*Resolved, That the Bill do pass.*

(119)

*Ordered, That Mr. Jean Baptiste Eric Dorion do carry the Bill to the Legislative Council, and desire their concurrence.*

*The Order of the day for the second reading of the Bill to incorporate the Society called "The Union of St. Joseph, of Montreal," being read;*

On motion of MR. AT. GEN. DRUMMOND ... the second reading was deferred<sup>213</sup>.

(119)

*Ordered, That the Bill be read a second [time] on Friday next.*

*The Order of the day for the second reading of the Bill to amend the Act 18 Vic. cap. 104, being read;*

*Ordered, That the Bill be read a second time on Wednesday next.*

*The Order of the day for the second reading of the Bill to secure to Creditors attaching the effects of their Debtors a privileged claim for their costs of suit upon the moneys arising from Judicial Sales, being read;*

On motion of MR. LORANGER<sup>214</sup>,

(119)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Loranger, the Honorable Mr. Attorney General Drummond, Mr. Felton, Mr. Papin, and Mr. Laberge, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to amend the Twelfth Section of the Separate School Act of 1855, being read;*

MR. BOWES moved the second reading of his Bill<sup>215</sup>.

MR. HARTMAN requested the hon. member to postpone the second reading until Monday next as there were several members from the West who were desirous to leave by the train and could not therefore wait through this discussion.<sup>216</sup>

MR. BROWN said they did not anticipate that this measure would come up to-night, as this being Government night they thought it would be taken up with Government measures. There were many members who would wish to take part in the discussion of the measures and there are several amendmements (sic) prepared to it which he wished to see fully discussed. He hoped the hon. gentleman would postpone the second reading until Wednesday night, and then to be the first order of the day.<sup>217</sup>

MR. BOWES said if the hon. gentleman would say that the general question would come up on Wednesday night he would postpone the second reading; but if not he would press his motion.<sup>218</sup>

MR. BROWN said he thought it might be impossible for him to be in the House on Monday night; but if postponed to Wednesday, he thought they would be all prepared.<sup>219</sup>

[MR. BOWES] consented to postpone the order till Wednesday.<sup>220</sup>

(119)

*Ordered, That the Bill be read a second time on Wednesday next.*

*The Order of the day for the second reading of the Bill to amend the Act for establishing freedom of Banking, being read;*

MR. INSP. GEN. CAYLEY moved the second reading of the Bill..., the object of which was to remedy defects in the measure of last session, by fixing the amount to which transactions of private banks may extend to 25,000L; and to dispense with the words, "and not elsewhere" on notes of such banks.<sup>221</sup> The hon. member explained that the amendment was rendered necessary by the accidental omission from the face of the notes of certain words demanded by the act--the words "and not elsewhere." It had not been, he believed, intended that the words should be expressed upon the face of the bill, but as the bill, as it stood, appeared positively to require it, he had in one instance directed, that the bills should not be issued until such an amendment was made in the law as would make their issue legal.<sup>222</sup>

MR. HOLTON hoped the hon. Inspector General would allow the Bill to be submitted to a committee of the whole house. There were some verbal alterations he wished to move when the house was in committee.<sup>223</sup>

MR. INSP. GEN. CAYLEY had no objection.<sup>224</sup>

(119)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House.*

*Resolved, That this House will immediately resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee;*

MR. MACKENZIE protested that he did not like this railway speed in the consideration of this bill. He did not approve of the constitution of banks with interminable branches. He was quite sure that this was the way of creating inextricable confusion, and if they went on in this way, the chartered banks would be by-and-by in a worse condition than the government accounts were in 1854. He was a strong

believer in the fallibility of Acts of Parliament, and thought that they should not hurry over things in the way they now seemed disposed to do, in order that they might do things so as to be understood.--He had no objection to free banking, but rather approved of its principle, if only their working was made clear and the notes expressed what they were intended to do. But ours did not.--Nobody knew what the notes were really worth. The hon. gentleman here met with considerable interruption, and sat down.<sup>225</sup>

MR. HOLTON thought the amendment proposed by the Inspector General would not compass the object he aimed at. His motion was to strike out the words, "Not elsewhere," with a view of meeting a difficulty which had arisen in carrying out the law. The hon. Inspector General's predecessor had had authorised the issuing of bank bills without these words being printed on their face. But he (Mr. Cayley) had discovered that these words should have been printed, and therefore would decline to issue more bank bills without these words.<sup>226</sup> The omission of the words pointed out by the hon. Inspector General would not suffice. It would be necessary to strike out more words, and he indicated the extent of the alterations required to make the bill conformable with the notes printed, as he understood to be the wish of the hon. Inspector General.<sup>227</sup>

MR. AT. GEN. DRUMMOND proposed to postpone the further reading of the bill till they would have time to consider more particularly the extent of the alterations required to be made in it.<sup>228</sup>

MR. INSP. GEN. CAYLEY objected to this course.<sup>229</sup>

[MR. HOLTON] considered that in order to fully carry out the Inspector General's intention, it would be necessary that the words "at the office of the bank," should be printed on the face of the bill.<sup>230</sup>

MR. INSP. GEN. CAYLEY did not propose to give privileges to these free banks other than those given to the chartered banks.<sup>231</sup>

MR. HOLTON did not propose to alter the relations of the free banks to the chartered banks, but he simply proposed a verbal alteration for the purpose of accomplishing the very object the hon. gentleman now seeks to accomplish, and which will not be obtained by the course he is pursuing.<sup>232</sup>

MR. INSP. GEN. CAYLEY could not see why the wording of that clause should not be altered.<sup>233</sup>

MR. HOLTON said, the hon. gentleman must see, that at this time the chartered banks have several branches, and they make their bills payable at the office of the branch. But the free banks are restricted, and their bills are simply made payable to bearer on demand. He understood (*sic*) the object of the hon. gentleman was to enable a gentleman who had his bills already struck off to take advantage of the Act. If this was not his intention he wished him to state what it was.<sup>234</sup>

MR. A. DORION said the object of the hon. member for Montreal ... did not differ from that of the hon. Inspector General.<sup>235</sup> In the notes produced the words "at the office of the Bank" were accidentally omitted. But he apprehended that was of no importance.<sup>236</sup> It is contended by the hon. member for Montreal that it should be



stated on the face of the bill when (sic) they are to be payable, but that the law must say that all bills issued under this law will be payable at the office of the Bank. The object of this was to do away with the necessity of saying on the bill notes are payable at the office of the bank.<sup>237</sup> That would be fully provided for in the act. Notes were, as a matter of custom, payable at the place where they were issued, whether or not that obligation were expressed. It was not correct in point of law, for of course the words should be there. But the omission did not vitiate the note for payment.<sup>238</sup> The present proviso is, that all such bank notes shall be made payable to bearer on demand at the office of the bank and not elsewhere. The proviso of his hon. friend from Montreal would be to the effect that all such bank notes shall be made payable to bearer on demand, and the banking house shall be held as the place of payment and redemption of all such bank notes. This he thought a desirable alteration.<sup>239</sup>

MR. MACKENZIE renewed his objections to this hasty and indistinct legislation. He said that since the Inspector General had discovered this legal discrepancy in the notes, other issues had been made by Zimmerman's and other Banks.<sup>240</sup> He did not know why the Zimmerman Bank and the bank of the Niagara district and Aaulson's bank should be placed under one law by the hon. Inspector General's predecessor, and then when another party wants to take advantage of the act, there must be some alteration made. Whatever they do let them be clear and explicit in their legislation.<sup>241</sup> He thought the obligation should be as plain as words could make it on the face of the bill. He had known the time when you could not get a dollar for any quantity of notes. They ought to be as clear as words could make them. Every note ought to express the words "at the office of the Bank." He would restrict free Banks to make the payments at the Banking House where the notes are issued.<sup>242</sup>

MR. YOUNG also stated his opinion that the notes ought to express the place where they were payable.<sup>243</sup>

MR. MACKENZIE said, that in these cases the Government had been the party to blame, and they ought to be made to pay the piper.<sup>244</sup>

Upon some further remarks, the Committee rose and reported progress<sup>245</sup>.

(119)

*and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bowes reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

Ordered, That the Committee have leave to sit again on Tuesday next.

*The Order of the day for the second reading of the Bill to amend the Railway Clauses Consolidation Act, being read;*

[On motion of] DR. VALOIS<sup>246</sup>,

(119)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Order of the day for the second reading of the Bill to authorize the commutation of Claims on Ordnance Lands upon the transfer of such Lands to the Province, being read;*

MR. INSP. GEN. CAYLEY moved the second reading of the bill.... The hon. gentleman said that he had explained the objects of the bill on its first reading, he would now simply move that it be read a second time.<sup>247</sup>

MR. SICOTTE the SPEAKER enquired of the hon. gentleman if it was his intention to refer the bill to committee of the whole.<sup>248</sup>

MR. INSP. GEN. CAYLEY replied that such was not his intention.<sup>249</sup>

MR. SICOTTE the SPEAKER said that in that case the reading would be dispensed with till then.<sup>250</sup>

(119)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House.*

*Resolved, That this House will immediately resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee;*

MR. INSP. GEN. CAYLEY briefly recapitulated the object of the bill.<sup>251</sup>

MR. HARTMAN put a question as to the amount of commutation to be paid to the pensioners, and [whether] the terms would be the same in Penetangueshine as it was in London or Chatham?<sup>252</sup>

MR. INSP. GEN. CAYLEY explained, and the first clause was passed.<sup>253</sup>

Upon the reading of the second clause, DR. FRAZER put some questions to Mr. Cayley in reference to claims of some of the pensioners, referred to some letters, but his remarks were quite inaudible in the Reporter's Gallery.<sup>254</sup>

MR. RANKIN put the question, What was to be done with the sum of 25L allowed for buildings, if it was to be paid to the pensione[r]s or transfer[r]ed to the Imperial authorities who, in the first place paid for those erections?<sup>255</sup>

MR. INSP. GEN. CAYLEY explained the amounts commuted would be upon improvements made.<sup>256</sup>

The several clauses were agreed to with some amendments and the Committee rose.<sup>257</sup>

In answer to a question,

MR. INSP. GEN. CAYLEY stated that the pensioners had now no claim; they were receiving their annuity.<sup>258</sup>

(119)

*and after some time spend therein, Mr. Speaker resumed the Chair; and Mr. Felton reported, That the Committee had gone through the Bill, and made amendments thereunto.*

*Ordered, That the Report be received on Tuesday next.*

*The Order of the day for the second reading of the Bill to amend the Law of Evidence in Upper Canada, being read;*

MR. CAMERON moved the second reading of the bill ... [and] explained the motive of the changes which his bill contemplated. Whenever there was a rule in regard to evidence it ought to be complete. If in one class of Courts it is right for a party to be examined as a witness on his own behalf, it must be right in principle or it must be wrong. As the law stands there is this anomaly, that in the Division Courts parties come forward to give testimony in their own behalf; and in the Court of Chancery parties are compelled to come forward and give evidence, while in common law, parties are not allowed to do so.<sup>259</sup> In England the principle of allowing parties to give evidence in their own cases had been in successful operation for several years. There were many cases in which their exclusion operated as a great hardship. In country stores, often the only persons serving customers, were the proprietor and his wife, yet they could not give evidence to prove their claim. The evidence of every one who knows anything about a case should go to the Court and Jury and let them decide upon their credibility.<sup>260</sup> The objection that there may be in one or two cases, perjury committed by parties interested in the matter, should not be made a ground to prevent those who may be able to give the best possible testimony from doing so. The legislation of the Mother country and of the neighboring States, is in favor of the system he contemplated introducing.<sup>261</sup> It was a pity then that having introduced this law into Canada, having made a step in advance they had afterwards taken one backwards again and altered it.<sup>262</sup> Parties, either plaintiffs or defendants, should have an opportunity of giving testimony in their own behalf. There was one point, however, which he purposed to guard against--when, for example, facts which if true, may be equally within the possession of both parties--one party shall not give testimony in such cases where the other party having an equal knowledge of the facts is absent from the country or dead. Then as regards Executors, Administrators, Trustees, and Guardians, although only joined in suits solely on account of their representing the interests of the party whose estate they represent,<sup>263</sup> [and] though they had no interest or liability beyond that of costs, and were oftentimes, as friends of the deceased party, less acquainted with his affairs, and the persons best able to give evidence<sup>264</sup>, yet as they are assumed parties to the record they cannot be accepted as witnesses to any of the transactions they are acquainted with. This he considered wrong, and he proposed to make the law such that such parties shall be allowed to give evidence in matters in which they have no further interest than simply having their names to the suit.<sup>265</sup>

MR. SOL. GEN. H. SMITH thought that there was nothing more necessary than a uniform system of the law in the Province. Upon this occasion he dissented from parties being witnesses in their own case.<sup>266</sup> When the law proposed by Mr. Cameron was formerly in operation in Upper Canada<sup>267</sup>, in 1851, ... the consequence was such notorious and flagrant perjury, that in '53 it was necessary to repeal that portion of the act, and place the law on the same basis as in Lower Canada. A party could not volunteer his evidence, but might be called by the other party. He believed if the profession were consulted, the hon. and learned member would be left in a great minority, as to the necessity for the propriety of this measure.<sup>268</sup> The Division court might be cited as a case in point, by his hon. friend; but it was only a court of conscience, and the judge of that court has a discretionary power vested in him, as to the calling forward of the parties.<sup>269</sup> It was true that in division courts a party might swear to accounts under a certain amount, but that was only in cases where his books shewed they had been properly kept. In Chancery, too, bills were sworn to, but they were not received as evidence. He could see no necessity for a change in the law in this regard--money had been demanded.<sup>270</sup> The hon. gentleman then alluded to actions of slander, when the plaintiff goes into the witness box, and swears so and so. Now, under the proposed law, the defendant could



go into the box after him and swear quite the reverse. In such a case as that, what could the jury do? The second part of the bill met his approval; but he objected to the first part. The people were content with the law as it now is, and he would be opposed to a change. He would, however, vote for the second reading of the bill, in order that the Attorney General, who was not now in his place, might have an opportunity of speaking on the subject<sup>271</sup> [OR] he was quite willing to allow it to be read a second time and referred to a Select Committee, in order to have a discussion and then report. They had copied too much legislation from England without sufficient consideration, only to retrace their steps.<sup>272</sup>

MR. CAMERON.--There were only two instances in which we have retraced our steps in respect to legislation borrowed from England during the last fifteen years.<sup>273</sup> [He] did not understand why, when the law had worked well in England for four years, it should be objected to here. The Solicitor General had not touched on the principles of the bill. The hon. member then entered into the principles of the bill<sup>274</sup>. The law he sought to introduce had been in operation in England successfully, while we had altered it, and the same principle was acted on here indirectly, by allowing the principal to give evidence in an action against his surety<sup>275</sup>, the maker of a note in an action against the endorser and the landlord in an action of ejectment by another party against his tenant.<sup>276</sup> The principle was already in use, and ... there was no reason why it should not be extended under the Bill.<sup>277</sup>

MR. SOL. GEN. H. SMITH, in reply, argued that the cases were not analogous.<sup>278</sup>

The Bill was read a second time, and referred to a special committee.<sup>279</sup>

(120)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Cameron, Mr. Solicitor General Smith, the Honorable John Sandfield Macdonald, Mr. Sidney Smith, and Mr. Foley, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to vest a certain allowance for Road in the Township of Hamilton, County of Northumberland, in John Wade and Benjamin Seymour, being read;*

[On motion of] MR. S. SMITH<sup>280</sup>,

(120)

*The Bill was accordingly read a second time, and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to amend and consolidate the several Acts incorporating and relating to the Bank of Montreal, being read;*

[On motion of] MR. HOLTON<sup>281</sup>,

(120)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to enforce the registration of titles to lands in the Townships of Lower Canada, being read;*

[On motion of] DR. T. FORTIER<sup>282</sup>,

(120)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Thomas Fortier, Mr. Sanborn, Mr. Masson, Mr. Jean Baptiste Eric Dorion, Mr. Turcotte, Mr. Solicitor General Ross, and the Honorable Mr. Attorney General Drummond, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to amend the Act for increasing the Sittings of the Courts in the District of St. Francis, being read;*

MR. FELTON moved that the bill ... be read a second time.<sup>283</sup>

MR. PROV. SEC. CARTIER hoped the hon. gentleman would not press the second reading to-night, as they had not had time fully to examine the bill in all its points since it was printed.<sup>284</sup>

MR. FELTON said that it was precisely in consequence of the action of Government last year that this matter was not passed. He did not move for additional circuits but rather that they should be decreased--and if Government had not delayed the measure it would have been passed last session.<sup>285</sup>

MR. AT. GEN. DRUMMOND said if the hon. member would postpone the second reading to Wednesday in order to give them time to agree upon a committee, to which this Bill and several others of a similar nature would be referred, it would be better, as they would then be enabled to agree upon one act embracing the whole.<sup>286</sup>

MR. FELTON said upon that understanding he would agree to postpone the second reading.<sup>287</sup>

(120)

*Ordered, That the Bill be read a second time on Wednesday next.*

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by Mr. Solicitor General Smith,*

*The House adjourned until Monday next.*<sup>288</sup>

APPENDIX: 7 MARCH 1856.

[QUESTION AND ANSWER RE: COLLECTION OF TIMBER DUTIES.]

MR. MCCANN moved an "Enquiry of the Ministry, whether it is their intention to make any change in the present mode of collecting duties on timber and saw logs cut on public lands in the united counties of Prescott and Russell; lumberers on both sides of the Ottawa River being put to great inconvenience and hardship by being compelled to go to Montreal, where the Agent resides, a distance of one hundred or more miles, to pay timber duties and obtain clearances for timber cut on private lands?"<sup>289</sup>

MR. COM. CR. LANDS CAUCHON said it would not be convenient to alter the present mode of collecting duties on saw logs, unless complaint were made to the Government about it, which had not taken place. Small agencies had been changed into large ones, and a beneficial result obtained by it, but he thought that the dues were paid without any inconvenience being experienced.<sup>290</sup> If any inconvenience resulted sufficient to warrant a change, the Government would change the system.<sup>291</sup>

[QUESTION AND ANSWER RE: LONG POINT.]

MR. FOLEY, in the absence of Dr. Rolph, enquired of the Ministry, whether they are in possession of any information, reports, surveys, or explorations respecting the past and present state of that part of Long Point in Norfolk, across which the waters have occasionally heretofore and have lately forced a navigable channel?<sup>292</sup>

MR. COM. PUB. WORKS LEMIEUX was understood to reply that examinations had been made at various times, and particularly by an engineer named Fuller.<sup>293</sup>

[POSTPONED MOTION RE: DISSOLUTION OF THE UNION.]

MR. MACKENZIE said, with reference to his notice of motion, that the best interest of Upper and Lower Canada would be promoted by a repeal or dissolution of the political or legislative union now subsisting between these sections of the Province of Canada, that he wished it to be let standing for a day or two, until he had seen what would be the fate of the hon. member for Lambton's motion for representation by population. If that motion were carried, he would feel disposed to take his motion off the notice paper altogether.<sup>294</sup>



FOOTNOTES: 7 MARCH 1856.

1. According to GLOBE, 8 March 1856, these petitions were presented by Mr. D. Ross.
2. GLOBE, 8 March 1856, reports that Dr. Cook presented this petition.
3. GLOBE, 8 March 1856.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. Telegraph (QUEBEC GAZETTE, 8 March 1856), reports that this Committee was given leave to adjourn "till Wednesday next".
9. GLOBE, 8 March 1856. This newspaper, along with TORONTO DAILY LEADER, 8 March 1856, and LA MINERVE, 19 March 1856, differs from the JOURNALS, which report that Mr. MacNab introduced this Bill. Furthermore, HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856, in a short commentary, remarks that Mr. MacNab was again absent from the House, due to "continued indisposition".
10. GLOBE, 8 March 1856.
11. TORONTO DAILY LEADER, 8 March 1856.
12. GLOBE, 8 March 1856.
13. IBID.
14. TORONTO DAILY LEADER, 8 March 1856.
15. IBID.
16. GLOBE, 8 March 1856.
17. IBID.
18. TORONTO DAILY LEADER, 8 March 1856.
19. GLOBE, 8 March 1856.
20. IBID.
21. IBID.
22. IBID.
23. TORONTO DAILY LEADER, 8 March 1856.
24. GLOBE, 8 March 1856.
25. IBID.
26. TORONTO DAILY LEADER, 8 March 1856.
27. GLOBE, 8 March 1856.
28. IBID.
29. IBID.
30. IBID.
31. TORONTO DAILY LEADER, 8 March 1856.
32. IBID.
33. GLOBE, 8 March 1856.
34. IBID.
35. TORONTO DAILY LEADER, 8 March 1856.
36. GLOBE, 8 March 1856.
37. TORONTO DAILY LEADER, 8 March 1856.
38. GLOBE, 8 March 1856.
39. TORONTO DAILY LEADER, 8 March 1856.
40. GLOBE, 8 March 1856.
41. IBID.
42. IBID.
43. IBID.
44. TORONTO DAILY LEADER, 8 March 1856.
45. GLOBE, 8 March 1856.

46. GLOBE, 8 March 1856.
47. TORONTO DAILY LEADER, 8 March 1856.
48. GLOBE, 8 March 1856.
49. TORONTO DAILY LEADER, 8 March 1856.
50. IBID.
51. IBID.
52. IBID.
53. GLOBE, 8 March 1856.
54. TORONTO DAILY LEADER, 8 March 1856.
55. TORONTO DAILY LEADER, 8 March 1856. This newspaper imputes this statement to Mr. H. Smith. It is very possible, however, that Mr. J. Smith--who made the original motion--was the member who spoke.
56. TORONTO DAILY LEADER, 8 March 1856.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. GLOBE, 8 March 1856, specifies that the object of this Bill is "to allow officers of Agricultural Associations to apply the Government grant to the purchase of seed grain, without previous applications to the Board of Agriculture, whenever they consider it expedient for the encouragement of Agriculture." TORONTO DAILY LEADER, 8 March 1856, also reports this information.
67. GLOBE, 8 March 1856.
68. QUEBEC GAZETTE, 13 March 1856.
69. GLOBE, 8 March 1856.
70. TORONTO DAILY LEADER, 8 March 1856.
71. GLOBE, 8 March 1856.
72. IBID.
73. TORONTO DAILY LEADER, 8 March 1856.
74. IBID.
75. IBID.
76. GLOBE, 8 March 1856.
77. IBID.
78. IBID.
79. TORONTO DAILY LEADER, 8 March 1856.
80. GLOBE, 8 March 1856.
81. TORONTO DAILY LEADER, 8 March 1856.
82. GLOBE, 8 March 1856.
83. TORONTO DAILY LEADER, 8 March 1856.
84. GLOBE, 8 March 1856.
85. TORONTO DAILY LEADER, 8 March 1856.
86. GLOBE, 8 March 1856.
87. TORONTO DAILY LEADER, 8 March 1856.
88. IBID.
89. GLOBE, 8 March 1856.
90. IBID.
91. TORONTO DAILY LEADER, 8 March 1856.
92. IBID.

93. TORONTO DAILY LEADER, 8 March 1856.
94. GLOBE, 8 March 1856.
95. IBID.
96. TORONTO DAILY LEADER, 8 March 1856.
97. GLOBE, 8 March 1856.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. TORONTO DAILY LEADER, 8 March 1856.
103. GLOBE, 8 March 1856.
104. MONTREAL GAZETTE, 10 March 1856.
105. GLOBE, 8 March 1856.
106. TORONTO DAILY LEADER, 8 March 1856.
107. GLOBE, 8 March 1856.
108. TORONTO DAILY LEADER, 8 March 1856.
109. GLOBE, 8 March 1856.
110. IBID.
111. TORONTO DAILY LEADER, 8 March 1856.
112. IBID.
113. IBID.
114. GLOBE, 8 March 1856.
115. TORONTO DAILY LEADER, 8 March 1856.
116. IBID.
117. GLOBE, 8 March 1856.
118. TORONTO DAILY LEADER, 8 March 1856.
119. GLOBE, 8 March 1856.
120. TORONTO DAILY LEADER, 8 March 1856.
121. IBID.
122. IBID.
123. GLOBE, 8 March 1856.
124. TORONTO DAILY LEADER, 8 March 1856.
125. MONTREAL GAZETTE, 10 March 1856.
126. TORONTO DAILY LEADER, 8 March 1856.
127. GLOBE, 8 March 1856.
128. TORONTO DAILY LEADER, 8 March 1856.
129. GLOBE, 8 March 1856.
130. QUEBEC GAZETTE, 13 March 1856.
131. GLOBE, 8 March 1856.
132. TORONTO DAILY LEADER, 8 March 1856.
133. IBID.
134. QUEBEC GAZETTE, 13 March 1856.
135. TORONTO DAILY LEADER, 8 March 1856.
136. GLOBE, 8 March 1856.
137. TORONTO DAILY LEADER, 8 March 1856.
138. GLOBE, 8 March 1856.
139. TORONTO DAILY LEADER, 8 March 1856.
140. GLOBE, 8 March 1856.
141. TORONTO DAILY LEADER, 8 March 1856.
142. GLOBE, 8 March 1856.
143. MONTREAL GAZETTE, 10 March 1856.
144. LA MINERVE, 19 March 1856.
145. IBID.



146. MONTREAL GAZETTE, 10 March 1856.
147. LA MINERVE, 19 March 1856.
148. GLOBE, 8 March 1856.
149. TORONTO DAILY LEADER, 8 March 1856.
150. GLOBE, 8 March 1856.
151. MONTREAL GAZETTE, 10 March 1856.
152. GLOBE, 8 March 1856.
153. MONTREAL GAZETTE, 10 March 1856.
154. TORONTO DAILY LEADER, 8 March 1856.
155. IBID.
156. GLOBE, 8 March 1856.
157. TORONTO DAILY LEADER, 8 March 1856.
158. IBID.
159. IBID.
160. GLOBE, 8 March 1856.
161. IBID.
162. IBID.
163. TORONTO DAILY LEADER, 8 March 1856.
164. MONTREAL GAZETTE, 10 March 1856.
165. TORONTO DAILY LEADER, 8 March 1856.
166. GLOBE, 8 March 1856.
167. TORONTO DAILY LEADER, 8 March 1856.
168. GLOBE, 8 March 1856.
169. TORONTO DAILY LEADER, 8 March 1856.
170. IBID.
171. IBID.
172. MONTREAL GAZETTE, 10 March 1856.
173. GLOBE, 8 March 1856.
174. IBID.
175. TORONTO DAILY LEADER, 8 March 1856.
176. GLOBE, 8 March 1856.
177. TORONTO DAILY LEADER, 8 March 1856.
178. IBID.
179. GLOBE, 8 March 1856.
180. TORONTO DAILY LEADER, 8 March 1856.
181. GLOBE, 8 March 1856.
182. TORONTO DAILY LEADER, 8 March 1856.
183. MONTREAL GAZETTE, 10 March 1856.
184. TORONTO DAILY LEADER, 8 March 1856. WESTERN PLANET, 20 March 1856, in a commentary, reports the following information on the debate: "The debate seemed every moment to grow warmer, and to be likely to grow hot; but the speakers were kept strictly to the point by the Speaker, with admirable tact; and decorum was maintained until Mr. J.S. McDonald suggested that time should be taken for deliberation. Thereupon the debate was adjourned till Monday". NIAGARA MAIL, 19 March 1856, also remarks that "the discussion grew very warm as to the conduct of Judge Duval." Other commentaries on the Corrigan Affair are reported in GLOBE, 10 March 1856, MORNING CHRONICLE, 11 March 1856, and MONTREAL GAZETTE, 17 March 1856.
185. TORONTO DAILY LEADER, 8 March 1856.
186. GLOBE, 8 March 1856.
187. GLOBE, 8 March 1856, specifies that the object of this Bill is to "authorize the redemption of certain ground rents in Lower Canada, and to prohibit them for the future."

188. TORONTO DAILY LEADER, 8 March 1856.
189. IBID.
190. IBID.
191. IBID.
192. IBID.
193. GLOBE, 8 March 1856.
194. GLOBE, 8 March 1856. WESTERN PLANET, 20 March 1856, and MONTREAL GAZETTE, 18 March 1856, both report a short commentary on this subject.
195. TORONTO DAILY LEADER, 8 March 1856, reports that this Bill was ordered to be read a second time "on the 11th inst."
196. GLOBE, 8 March 1856.
197. IBID.
198. IBID.
199. IBID.
200. IBID.
201. Telegraph (MORNING CHRONICLE, 10 March 1856.)
202. IBID.
203. IBID.
204. TORONTO DAILY LEADER, 8 March 1856.
205. GLOBE, 8 March 1856.
206. PERTH COURIER, 28 March 1856, reports the following information on this Bill:  
"The Bill is intended to remedy a defect in Mr. Baldwin's Act abolishing the Right of Primogeniture.--That Act provides that the property of persons dying intestate shall be divided equally among all the surviving family; but difficulties frequently arise in making the division owing to some members of the family being minors, and the estate has therefore to remain intact until all the family become of age, causing delay and inconvenience; and creditors of the estate are compelled to wait, or else involve the estate in endless litigation.--The present Bill is designed to remedy these defects, and empowers the Judge of the Surrogate Court to divide the property equally upon application made by any one of the heirs, being of age--the rights of minors being taken care of by the Court until they become of age, and all lawful claims on the property being paid off.--The property may be either divided or sold, as may be deemed most advantageous to all parties concerned. These are the general principles of the Bill--the enacting clauses being principally confined to defining and providing the legal proceedings to be taken in carrying out these principles."
207. PERTH COURIER, 28 March 1856, reports the following information on this Bill:  
"It provides that no sale of Land for taxes shall be liable to be questioned in any suit at Law or Equity (sic) after the expiration of three years from the time of such sale, for any informality in the proceedings, except that there were no taxes due on the lands at the time of the sale."
208. TORONTO DAILY LEADER, 8 March 1856.
209. IBID.
210. TORONTO DAILY LEADER, 8 March 1856. According to PERTH COURIER, 28 March 1856, the Bill "enacts that no Foreign Insurance Company shall do business in this Province unless it has an Agent therein, on whom process can be served in suits against such Company. The Agent is made personally responsible for all losses sustained by parties insuring with him."
211. TORONTO DAILY LEADER, 8 March 1856.
212. IBID.
213. TORONTO DAILY LEADER, 8 March 1856. TORONTO DAILY LEADER, 6 March 1856, previously reported that this Bill was withdrawn at the request of Mr. Drummond

(see Wednesday, 5 March 1856, footnotes 256-257). It seems more likely, however, that the reading of this Bill was only postponed to this day.

214. TORONTO DAILY LEADER, 8 March 1856.
215. GLOBE, 8 March 1856.
216. TORONTO DAILY LEADER, 8 March 1856.
217. IBID.
218. IBID.
219. IBID.
220. GLOBE, 8 March 1856.
221. PERTH COURIER, 14 March 1856. WESTERN PLANET, 20 March 1856, reports a short commentary on this subject.
222. GLOBE, 8 March 1856.
223. TORONTO DAILY LEADER, 8 March 1856.
224. IBID.
225. GLOBE, 8 March 1856.
226. TORONTO DAILY LEADER, 8 March 1856.
227. GLOBE, 8 March 1856.
228. IBID.
229. IBID.
230. TORONTO DAILY LEADER, 8 March 1856. GLOBE, 8 March 1856, briefly describes the discussion which follows between Mr. Holton and Mr. Cayley as "a desultory conversation".
231. TORONTO DAILY LEADER, 8 March 1856.
232. IBID.
233. IBID.
234. IBID.
235. IBID.
236. GLOBE, 8 March 1856.
237. TORONTO DAILY LEADER, 8 March 1856.
238. GLOBE, 8 March 1856.
239. TORONTO DAILY LEADER, 8 March 1856.
240. GLOBE, 8 March 1856.
241. TORONTO DAILY LEADER, 8 March 1856.
242. GLOBE, 8 March 1856.
243. IBID.
244. IBID.
245. TORONTO DAILY LEADER, 8 March 1856. In its synopsis of debate, this newspaper notes that the Committee rose "without having come to any decision."
246. TORONTO DAILY LEADER, 8 March 1856.
247. IBID.
248. IBID.
249. IBID.
250. IBID.
251. IBID.
252. IBID.
253. IBID.
254. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
255. TORONTO DAILY LEADER, 8 March 1856.
256. IBID.
257. PERTH COURIER, 14 March 1856.
258. TORONTO DAILY LEADER, 8 March 1856.
259. IBID.
260. MONTREAL GAZETTE, 10 March 1856.



261. TORONTO DAILY LEADER, 8 March 1856.
262. MONTREAL GAZETTE, 10 March 1856.
263. TORONTO DAILY LEADER, 8 March 1856.
264. MONTREAL GAZETTE, 10 March 1856.
265. TORONTO DAILY LEADER, 8 March 1856.
266. IBID.
267. IBID.
268. MONTREAL GAZETTE, 10 March 1856.
269. TORONTO DAILY LEADER, 8 March 1856.
270. MONTREAL GAZETTE, 10 March 1856.
271. TORONTO DAILY LEADER, 8 March 1856.
272. MONTREAL GAZETTE, 10 March 1856.
273. IBID.
274. TORONTO DAILY LEADER, 8 March 1856.
275. MONTREAL GAZETTE, 10 March 1856.
276. MORNING CHRONICLE, 13 March 1856.
277. PERTH COURIER, 14 March 1856.
278. TORONTO DAILY LEADER, 8 March 1856.
279. PERTH COURIER, 14 March 1856.
280. TORONTO DAILY LEADER, 8 March 1856.
281. IBID.
282. IBID.
283. IBID.
284. IBID.
285. IBID.
286. IBID.
287. IBID.
288. GLOBE, 8 March 1856, and TORONTO DAILY LEADER, 8 March 1856, both report that the House adjourned at half-past ten o'clock.
289. GLOBE, 8 March 1856.
290. IBID.
291. TORONTO DAILY LEADER, 8 March 1856.
292. GLOBE, 8 March 1856.
293. GLOBE, 8 March 1856. MACKENZIE'S WEEKLY MESSAGE, 14 March 1856, in a short commentary, provides slightly different information on this subject. It states that "Dr. Rolph enquired of Mr. Lemieux, in Assembly, what explorations had taken place at Long Point. The answer was--none recently. Some expense had been incurred formerly, but no report or return given in!"
294. TORONTO DAILY LEADER, 8 March 1856. MACKENZIE'S WEEKLY MESSAGE, 14 March 1856, provides a short commentary on this postponed motion.

MONDAY, 10 MARCH 1856

(120)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Bell,--The Petition of A.G. Hall and others, of the Township of Lanark, County of Lanark.

By Mr. Dufresne,--The Petition of C. Morin and others, of the Parish of Chertsey, County of Montcalm.

By Mr. Charles Daoust,--The Petition of J.O. Archambault and others, of the Parish of St. Timothée, County of Beauharnois.

By Mr. Darche,--The Petition of the Honorable Pierre de Boucherville and others, of the Parish of Boucherville.

By Mr. Jean Baptiste Eric Dorion,--The Petition of Félix Pinard and others, of the Parish of St. Germain.

By Mr. Shaw,--The Petition of William Brown and others, of the Village of Smith's Falls, County of Lanark.

By Mr. Larwill,--The Petition of William Latimer and others, Town Clerks of the

(121)

County of Kent; and the Petition of James Smith, Warden of the County of Kent, and others.

By Mr. Angus Morrison,--The Petition of John Alexander and others, of the Town of Barrie; and the Petition of Robert Buchanan and others, of the Township of Medonte, County of Simcoe.

By Mr. DeLong,--The Petition of S.J. Southworth and others, of the Township of Bastard, County of Leeds; and the Petition of William M. Howard and others, of the Townships of Leeds and Lansdowne.

By Mr. Frazer,--The Petition of John B. Crowe and others, of the Township of Pelham, County of Welland.

By Mr. Clarke,--The Petition of Skeffington Connor and others, late Professors in the Faculties of Law and Medicine in the University of Toronto.

By Mr. Church,--The Petition of the Municipality of Walford and other Townships; and the Petition of Dorman De Wolff and others, of the Township of Kitley, County of Leeds and Grenville.

By Mr. Whitney,--Two Petitions of the Trustees of the Missisquoi High School, in the Township of Durham (sic), County of Missisquoi.

By Mr. Aikins,--The Petition of D. Henry and others, of the Townships of Albion and Chinguacousy, County of Peel.

By Mr. Wright,--The Petition of Samuel Alcorn and others, of Yorkville.

By Mr. Scatcherd,--The Petition of John Jackson and others, of the Village of Delaware.

By Mr. Laberge,--The Petition of Théophile Roy and others, of St. Athanas[e].

By Mr. Dionne,--The Petition of the Reverend L. Roy, Curé, and others, School Commissioners, and others, of the Parish of Trois Pistoles, County of Temiscouata.

By Mr. Hartman,--The Petition of James L. Green, of the Township of Townsend, County of Norfolk; the Petition of J.H. Hartney and others, of the Township of Peel, County of Wellington; the Petition of John Nelson and others, of the Township of Vaughan, County of York; the Petition of Alexander Thompson and others, of the Township of King; the Petition of William H. Agnew and others, of the Township of King; the Petition of Cecilia A. Agnew and others, of the Township of King; the Petition of Mrs. Lavina Edwards and others, of the Township of King; the Petition of William

Stokes and others, of the Village of Kettleby; the Petition of John Graham and others, of the Township of King; the Petition of Mrs. Catherine McCallum and others, of the Township of King; and the Petition of Thomas L. Hilborn and others, of the Township of King.

By Mr. Wilson,--The Petition of Lionel Ridout and others, of the City of London and vicinity.

By Mr. Bellingham,--The Petition of the Directors of the Lachute Academy.

By Mr. Sanborn,--The Petition of the Municipality of the Townships of Ascot and Westbury.

By Mr. Solicitor General Smith,--The Petition of the Board of Trustees of the University of Queen's College.

By Mr. Felton,--The Petition of William H. Lathrop and others.

By Mr. Alleyn,--The Petition of L'Hospice de St. Joseph de la Maternité de Québec; two Petitions of the Mayor, Aldermen, and Councillors of the City of Quebec; and the Petition of the President and Members of the Quebec British and Canadian School Society.

By Mr. Guévremont,--The Petition of the School Commissioners of the Town of William Henry.

By Mr. Holton,--The Petition of the University Lying-in Hospital of Montreal; and the Petition of the Natural History Society of Montreal.

By Mr. Jackson,--The Petition of the Reverend George Macdonnell and others, of

(122)

the Townships of Nichol and Garrafraxa, County of Wellington; the Petition of Mrs. Jane B. Perry and others, of the Township of Nichol, County of Wellington; and the Petition of the Municipality of the Township of Arthur, County of Wellington.

By the Honorable Mr. Cameron,--The Petition of the Bank of Upper Canada.

By Mr. Powell,--Two Petitions of the Municipality of Osgoode; and two Petitions of the Municipality of the Township of Torbolton.

By the Honorable Mr. Cayley,--The Petition of A. Sinclair, Reeve, and others, of the County of Bruce.

By Mr. Octave Cyrille Fortier,--The Petition of the Reverend N.C. Fortier, Curé, and others, Founders of the College of St. Michel, County of Bellechasse; and the Petition of the School Commissioners of the Village of St. Michel, County of Bellechasse.

By Mr. Gould,--The Petition of J. Ham Perry and others, of the Town of Whitby, County of Ontario.

By Mr. Christie,--The Petition of Peter Freeland and others, of the City of Toronto.<sup>1</sup>

By Mr. Burton,--The Petition of the Oshawa Manufacturing Company.

By Mr. Price,--The Petition of the Municipality of the Township of La Terrière.

By Mr. Gamble,--The Petition of the Board of Trustees of the Public Common Schools of the City of Toronto.

By the Honorable Mr. Attorney General Drummond,--The Petition of the Municipal Council of the County of Shefford; and the Petition of Allan Gilman and others, of the City of Ottawa.

By Mr. Rhodes,--The Petition of H.G. Hall and John Henry, of the Townships of Leeds and Inverness, County of Megantic.

By Mr. Papin,--The Petition of E. Mathieu and others, of the Parishes of Lachenaie and Repentigny, County of L'Assomption.

Pursuant to the Order of the day, the following Petitions were read:--  
Of the Montreal Dispensary; praying for aid.



Of James Wilkes and others; of S. Losee and Son, and others; and of Messieurs Mellish, Morrell, Russell and Whitehead, Creditors of the Buffalo, Brantford and Goderich Railway Company; praying for the passing of an Act authorizing the said Company to lease the said Railway upon the terms set forth by the provisional agreement between them and any other Company.

Of T.W. Lawford, of the City of London, County of Middlesex; praying for the passing of an Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery in Upper Canada, to admit him to practise as an Attorney therein respectively.

Of A. MacDonell and others; praying for an Act of Incorporation for Mining purposes.

Of George W. Cameron and others, Sons of Temperance, and others, of Lochaber; of George Fletcher and others, of the Township of Binbrook, County of Wentworth; of Mrs. Sarah Ansley and others, of the Township of Storrington, County of Frontenac; of John Hunt and others, of the Townships of East and West Flamborough; of Edward Carey and others, of the Township of Flamborough West, County of Wentworth; of David Cumming and others, of the Township of West Flamborough, County of Wentworth; of John Connolly and others, of the Township of Ops, County of Victoria; of Thomas Watson and others, of the Township of Mariposa, County of Victoria; of Mrs. Betchum and others, of the Village of Smith's Falls, County of Lanark; of George Badfellow and others, of the Township of Waterloo, County of Waterloo; of Walter Burns and others, of the Town of New Hope; of S. Harward and others, of the Township of

(123)

Lanark, County of Lanark; of Hugh Bowland and others, of the Township of Ramsay, County of Lanark and Renfrew; of William A. Wood and others, of the Township of Loughborough, County of Frontenac; of John McDonald and others, of the Townships of Leeds and Lansdowne, County of Leeds and Grenville; of Robert Riddel and others, of the Township of Wolford, County of Grenville; of A. Shailer and others, of the Township of Wolford, County of Leeds; of William B. Vandusen and others, of the Township of Montague, County of Lanark; of Nathan P. Vandusen and others, of the Township of Montague, County of Lanark; of George Kidd and others, of the Township of Montague, County of Lanark; of Hiram E. Barnhart and others, of the Township of Osnabruck, County of Stormont; of Joseph McEwan and others, of the Township of Cornwall, County of Stormont; of M.B. Roblin and others, of the Townships of Sydenham and Murray; of Thomas J. Howard and others, of the County of Hastings; of Asa Durkee and others, of the Township of South Norwich, County of Oxford; of the Reverend George J.R. Salter and others, of the County of Lambton; of the Reverend S. Waldron, Missionary, and others, Chippawa Indians, of the County of Lambton; of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; of James Major and others, of the County of Lambton; of Thomas Jamieson and others, of the Township of Cavan, County of Durham; of John Bailey and others, of the Township of Nassagaweya, County of Halton; and of Joshua Van Allen and others, of the Township of Trafalgar, County of Halton; praying for the passing of a Prohibitory Liquor Law.

Of the Municipal Council of the County of Elgin; praying for certain amendments to the Common School Act.

Of the Galt and Guelph Railway Company; praying that no Act of Incorporation may be granted for any new line of Railway between the Village of Galt and the Town of Berlin.<sup>2</sup>

Of the Municipality of the Parish of St. Jérôme; praying to be relieved from the payment of the amount of Stock subscribed for by said Parish in the Montreal and Bytown Railway Company, inasmuch as the said Company has not fulfilled the conditions agreed upon.

Of the Ladies' Benevolent Society of Montreal; praying for aid.

*Of the Ladies' Benevolent Society of Montreal; praying for aid to enable them [to] complete the building which they are now erecting for the object of the Society.*

*Of the Municipal Council of the County of Terrebonne; praying to be relieved from the payment of the amount of Stock subscribed for by the said County in the Montreal and Bytown Railway Company, inasmuch as the said Company have not fulfilled the conditions agreed upon.*

*Of the Reverend N. Pelletier and others, of the Township of Stanfold; praying that those persons who have settled in the Eastern Townships, coming under the name of Squatters, may be protected by law in the rights they have so acquired; and also, that to encourage settlement in the said Townships, a free grant of a lot of land may be given to those who intend to become actual settlers.*

*Of the Reverend N. Pelletier and others, of the Township of Stanfold; praying that the annual grant in support of Schools may be increased.*

*Of James W. Johnson and others, of the United Counties of Lincoln and Welland; praying for certain amendments to the Act relating to the management of the Public Works in this Province.*

*Of James K. Benson and others, Merchants, and others, of the Town of St. Catharines; praying for the passing of an Act to make vessels holden for all stores, provisions and labor obtained by them, while passing through the Welland Canal.*

*Of the Municipal Council of the Town of St. Catharines; praying for the passing*

(124)

*of an Act requiring the several Municipal County Councils to erect and maintain a House of Refuge and Industry in their respective Counties.*

*Of the Directresses of the Montreal Catholic Orphan Asylum; praying for aid.*

*Of the School Commissioners and others, of the Parish of Laprairie; praying aid for an Academy, and also, for the Convent in the said Parish.*

*Of the Mechanics' Institute of St. Hyacinthe; praying for an aid.*

*Of James Sanson and others; praying for an Act of Incorporation, with power to enable them to construct and navigate Steamboats and other Craft, in connection with the Ontario, Simcoe and Huron Railroad Company.*

*Of the Municipality of the Township of Bertie; of the Municipal Council of the County of Perth; and of the Town [Council] of Brantford; praying for the passing of an Act authorizing the Buffalo, Brantford and Goderich Railway Company to sell or lease their said Railroad; and also, for the incorporation of the Lake Huron and Buffalo Railway Company.*

*Of David Murdoch and others, of the County of Victoria; praying for the passing of an Act authorizing the separation of the Counties of Peterborough and Victoria.*

*Of F.X. Ponsant and others, of the County of Beauce; praying for certain amendments to the Municipal and Road Act of 1855.*

*Of David Bell and others, of the Parish of St. Roch; of J.E. Pageot and others, of the Parish of Ancienne Lorette; and of Joseph Savard and others, of the Parish of St. Ambroise de la Jeune Lorette; praying that an inquiry be made into the conduct of the Commissioners of the Quebec Turnpike Trust; and that the macadamized Roads of Quebec and Point Lévi may be under separate control.*

*Of the School Commissioners of the Parish of Ste. Foye; praying aid for the Sillery Academy.*

*Of the Reverend Louis Proulx and others, of the Parish [of] Ste. Marie, County of Beauce; praying aid for a College in the said Parish.*

*Of the Mayor, Aldermen and Commonalty of the City of Hamilton; praying for the passing of an Act to construct Water Works and supply the City of Hamilton with water, and to provide means for the expense of the same.*

Of Peter McVicar, Reeve of the Township of Carrick, and others, of the County of Bruce; praying for the passing of an Act to authorize the construction of a Railway from the waters of Lake Huron at Saugeen, to the waters of Ontario at Toronto.

Of George Rykert and others, of the Town of St. Catharines; praying for the passing of an Act for the encouragement of Horticulture.

Of the Municipality of the Township of Sombra; and of the Municipality of the Township of Bosanquet; praying that no alteration may be made in the present territorial position of the County of Lambton.

Of the Municipal Council of the County of Lambton; praying for the passing of an Act to incorporate the Town of Port Sarnia, under the name of "The Town of Sarnia."

Of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; praying for certain amendments to the Act 10 & 11 Vic. cap. 14, respecting the registration of Baptisms, Marriages and Deaths.

Of the Ministers and Elders of the Synod of the Presbyterian Church of Canada; praying for the abolition of Sabbath labor in the Post-Office Department, and on the St. Lawrence Canals.

Of the Municipality of the United Townships of Russell and Cambridge; praying that the County of Russell may be annexed to the County of Carleton, for Judicial and Municipal purposes.

Of the Municipality of the Township of Greenock, County of Bruce; praying for the passing of an Act to separate the United Counties of Huron and Bruce; and that

(125)

the Town of Penetangore may be made the County Town of the County of Bruce.

Of Barnabas McGie, Mayor, and others, of the Township of Hope, County of Bonaventure; praying for aid to rebuild the Bridge over the River Nouvelle, carried away by the rise of the waters of the Bay des Chaleurs.

Of Les Soeurs de la Congrégation of the Convent of the Parish of Terrebonne, County of Terrebonne; praying for aid.

Of the Reverend E. Durocher, Curé, and others, of the Parish of Beloeil; praying for aid to enlarge the Academy in the said Parish.

Of the Reverend E. Durocher, Curé, and others, of the Parish of Beloeil; praying for aid to enable them to purchase Maps and Mathematical Instruments for the Academy in the said Parish.

Of N. Bourassa, Mayor, and others, of the Parish of St. Joseph de la Pointe Lévi; praying aid for the Convent in the said Parish.

Ordered, That the Petition of the Municipality of the Township of Bertie, relative to the Buffalo, Brantford, and Goderich Railway, and for the incorporation of the Lake Huron and Buffalo Railway Company, and all other Petitions for and against the same, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Galt, from the Select Committee to which was referred the Entry in the Journals of this House of the seventh May last, relating to the Bill to amend the Act incorporating the Champlain and St. Lawrence Railroad Company, and for other purposes, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have made a careful inquiry into the matter referred to them, and have taken the evidence of the Clerk of Your Honorable House, the Clerk Assistant, the Law Clerk, and the Clerk of the Journals, (whose testimony is appended to the Report).



From the Evidence thus taken, it appears that the Bill was amended at the third reading, upon a motion of Mr. Antoine Aimé Dorion, of which the following is a copy:--Mr. Dorion, of Montreal, moves, seconded by Mr. Galt, That the words "as with any sum which they may borrow under the ninth section of this Act" between the word "sums" and the word "shall" in the first section of this Bill, and the words "and after that to be granted for securing the Thirty thousand pounds or any part thereof, to be borrowed under the ninth section of this Act" between the word "Act" and the word "and" in the said first section, and the words "or the said ninth section" between the word "section" and the word "as" in the said first section, and also the proviso to the ninth section, be struck out from the said Bill.

Though the above amendments were agreed to by Your Honorable House, and the Bill was passed in the amended form, Your Committee find upon examination that they did not appear in the Bill as it was sent to the Legislative Council, and as it finally passed; and it accordingly appears upon the Statute Book without the amendments agreed to by Your Honorable House.

Your Committee do not find this error to have arisen from any wilful negligence; the regular entries appear to have been made by the Clerk, and the usual course pursued in sending the Scroll minutes and accompanying motions to the Deputy Clerk Assistant, by whom they appear to have been regularly delivered to the Clerk of the Journals, and entered therein. It does not appear to Your Committee that the amendment was ever communicated to the Law Clerk, though an indorsation upon the Bill was made by Mr. Faribault, for the purpose of calling attention to the amendment. It appears certain that the amendment itself never was in the hands of the Law Clerk, and that in practice he had no means of ascertaining the absence of it, unless his

(126)

attention had been called to it by the Clerk Assistant, of which he declares he has no recollection.

Your Committee desire to note the fact, that between the passing of the amendment on the seventh of May, and the voucher of the Bill for the Queen's Printer signed by the Law Clerk on the tenth of May, Mr. Faribault resigned his Office of Clerk Assistant; and from this cause it is the opinion of Your Committee that the indorsation made on the Bill by him may have been entirely overlooked.

Under these circumstances Your Committee recommend, that a Bill be forthwith passed to amend the Act of last Session, by making it in conformity with the Bill as it passed its third reading by Your Honorable House, reserving any rights that may have been acquired by third parties under the Act as it appears in the Statute Book, and that the Rules of Your Honorable House be suspended for this purpose.

#### MINUTES OF EVIDENCE.

Saturday, 8th March, 1856.

William Burns Lindsay, Esquire, Clerk of the House, called in; and examined:--

1. Will you examine the Entry in the Journals of the 7th May last, relative to a Bill to amend the Act incorporating the Champlain and St. Lawrence Railroad Company, and will you state what is the amendment referred to in the said Entry; and also examine the Act which received the Royal Assent, and state what you know of the discrepancy between the Bill as passed at its third reading before the House, and the Bill as sanctioned?--I have examined these Entries, and I produce the manuscript Journals of last Session, and my original Scroll Minutes of the 7th May last; also, the copy of the Bill in question as reported by the Railroad Committee, and read a third time. On looking at the Act as printed in the Statute Book (18 Vic. cap. 177,) I find that it does not contain the amendments which, on reference to the Scroll

Minutes and the M.S. Journals, I find were made on motion of Mr. Dorion, of Montreal, and which amendments form part of the Bill as it passed, but do not appear to have been entered upon the copy above mentioned. The Bill consequently must have gone to the Council without the said amendments. The following is a copy of Mr. Dorion's motion to which I refer, and which was agreed to by the House:--Mr. Dorion, of Montreal, moves, seconded by Mr. Galt, That the words "as with any sum which they may borrow under the ninth section of this Act" between the word "sums" and the word "shall" in the first section of this Bill, and the words "and after that to be granted for securing the Thirty thousand pounds or any part thereof, to be borrowed under the ninth section of this Act" between the word "Act" and the word "and" in the said first section, and the words "or the said ninth section" between the word "section" and the word "as" in the said first section, and also the proviso to the ninth section be struck out from the said Bill.

2. What subsequent proceedings appear to have been taken by the Entries on the Journals of the House?--The next proceeding with regard to the said Bill will be found on the Journals of fifteenth May, when the Bill was returned from the Council without any amendment; and on the Journal of the ninth May, when the Bill received the Royal Assent.

3. On the copy of the Bill above referred to, there is an indorsation in the following words: "There is an amendment to be added, G.B.F." By whom has the same been made?--The indorsation in question is in the hand-writing of G.B. Faribault, Esquire, then Clerk Assistant.

4. Are the Scroll Minutes of the seventh of May in your own handwriting?--They are.

(127)

5. To whom are these Minutes, and the accompanying motions sent by you?--I send them to Mr. Ross, the Deputy Clerk Assistant, from time to time, with the motions referred to in the Scroll, in order that he may prepare the Votes and Proceedings for the following morning. When he has done with them, he transfers them to the Clerk of the Journals.

George M. Muir, Esquire, Clerk of the Journals, called in; and examined:--

6. Will you examine the Scroll Minutes of the seventh of May last, and the original amendment made to the Bill to amend the Champlain and St. Lawrence Railroad Act, and state whether the amendment accompanied the Minutes at the time when they were delivered to you?--I have examined the documents in question, and have every reason to believe that the amendment did accompany the Scroll.

7. When does Mr. Ross deliver the Scroll and original motions to you?--Immediately after he has made the entries for the Votes and Proceedings.

8. Are you specially required to furnish the Law Clerk with any information with regard to amendments to Bills?--None whatever.

William Burns Lindsay, Junior, Esquire, Clerk Assistant, called in; and examined:--

9. What is the usual course with regard to amendments made to Bills at the third reading?--My own practice (when the amendment is a long one,) is to attach the original motion to the Bill, with an indorsation calling the attention of the Law Clerk to the fact; and I subsequently ascertain by personal reference to the Law Clerk, that his attention has been properly drawn to it.

10. Into whose hands does the Bill pass from your own?--The Bill, after its passing, is handed over by me to the Law Clerk.

11. When did Mr. Faribault retire from the Office of Clerk Assistant?--He retired on the 9th of May, and now resides at Quebec.

12. Are you aware whether Mr. Faribault's practice corresponded with your own as above described?--Important amendments are seldom made at the third reading; and I am not prepared to state what may have been Mr. Faribault's practice in such a case.

Gustavus W. Wicksteed, Esquire, Law Clerk to the House, called in; and examined:--

13. Will you examine the original Bill of last Session to amend the Champlain and St. Lawrence Railroad Act, herewith, and state whether it is in the same form as when it was delivered to you by the Clerk Assistant?--It is.

14. Was your attention called at the time by the Clerk Assistant to the fact that there was a further amendment to be made to the Bill?--I have no recollection whatever of Mr. Faribault having made any particular reference to any other amendment than those which appear on the Bill.

15. Did he call your attention to an indorsation in his handwriting on the Bill, to the effect that an amendment was to be added?--He did not, to the best of my recollection.

16. Have you ever seen the amendment herewith, which was passed on motion of Mr. Dorion?--I feel certain that I have never seen it before.

17. What would you have understood at the time by the indorsation referred to?--The indorsement is an unusual one; looking at it now, without any recollection of the facts, I should say that I must have considered it as a memorandum made by Mr. Faribault, to remind him that he had to give me, or to enter upon the Bill, an amendment which, for some reason or other, he could not at that time attach to the Bill. I should also think that I considered the ordinary indorsement, "Passed 7th May, G.B.F." to have been made subsequently, and that I considered it as super-

(128)

seeding the extraordinary one first mentioned, and as a certificate to me that all the amendments had been made.

18. When was the voucher for the printing of the Bill signed by you?--On the 10th May.

19. Has it ever been your practice to compare the Bills as delivered to you by the Clerk Assistant with the Journals, to ascertain whether there were any amendments not entered?--Never, unless my attention was in some way called to the necessity of so doing by some peculiar circumstances, or unless I myself perceived something that led me to suspect some error. I have invariably acted in every other case upon the certificate of the Clerk Assistant that the Bill was correct.

Ordered, That Mr. Galt have leave to bring in a Bill to correct an error in the Act passed in the eighteenth year of Her Majesty's Reign, to amend and extend the Act incorporating the Champlain and St. Lawrence Railroad Company; and that the Rules of this House be suspended as regards the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and ordered to be read the third time on Monday next.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to amend and consolidate the Acts of Incorporation of the Commercial Bank of the Midland District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.



*Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to incorporate the Canadian Order of Odd Fellows in connection with the Manchester Unity.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

*Ordered, That Mr. Frazer have leave to bring in a Bill to facilitate the disuniting of the Counties of Lincoln and Welland, and to erect the latter into an independent Municipality for Judicial and other purposes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Scatcherd have leave to bring a Bill to confirm and establish the Survey of the Township of Delaware, made by Samuel Peters, Esquire, Deputy Provincial Land Surveyor.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Sidney Smith have leave to bring in a Bill to confirm the Patent for Lot number four, Broken Concession A and B, in the Township of Hamilton.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That the Honorable Sir Allan N. MacNab have leave to bring in a Bill to*

(129)

*incorporate a Company by the name of the North Western Railway Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.<sup>3</sup>*

*On motion of Mr. LeBoutillier, seconded by Mr. Meagher,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a copy of the Report made by Pierre Fortin, Esquire, Magistrate, in charge of the Government Schooner "La Canadienne," of his operations in the Gulf of St. Lawrence, Bay des Chaleurs, Magdalen Islands, the Coast of Gaspé, and Labrador, during the summer of 1855.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Ordered, That Mr. Jackson have leave to bring in a Bill to incorporate the Town of Owen Sound, in the County of Grey.<sup>4</sup>*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

[On motion of] MR. MERRITT<sup>5</sup>,

*Resolved, That the Petition of the Municipal Council of the United Counties of Lincoln and Welland, relating to an Industrial Farm, be referred to a Select Committee, composed of the Honorable Mr. Merritt, Mr. Joseph Curran Morrison, Mr. Frazer, Mr. Mackenzie, and the Honorable John Sandfield Macdonald, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*Ordered, That the Petition of the Municipal Council of the United Counties of Lincoln and Welland, relative to the thirty-sixth section 16 Vic. cap. 11, be referred to the said Committee.*

MR. LORANGER moved the appointment of a Committee composed of Messrs. Poulin, A.A. Dorion, Prevost, Labelle, and the mover, to inquire concerning the manner in which the Municipal Council of the County of Terrebonne subscribed, on behalf of the Parishes of St. Martin, St. Jerome, St[e]. Adele, and the Township of Abercrombie, a sum of 26,000L to the stock of the Montreal and Bytown Railway Company; concerning the issue of Municipal debentures in consequence of such subscription; the negotiation of such debentures, and the acts of the Company, and generally concerning all matters and things relating to that transaction.<sup>6</sup>

MR. AT. GEN. DRUMMOND would remind the hon. member for Laprairie that much time must necessarily elapse before all the papers alluded to could be laid before the House; and when they were laid before the House, they should, he supposed, be printed. He merely mentioned this in order to show that much delay would ensue before the question could come up before the House.<sup>7</sup> [He] suggested that the appointment of the Committee should be postponed until the papers moved for the other day should be brought down.<sup>8</sup>

MR. LORANGER said it might be well to have the committee impanelled at once, that they might have an opportunity of considering as to the necessity for printing those papers.<sup>9</sup>

MR. J.S. MACDONALD (Glengary) said this was a matter which affected not merely one locality, but the whole Province, as the Province would probably be called upon to pay the Debentures, and he thought, therefore, that the committee should be a more general one. The hon. gentleman also pointed out that the motion did not go so far as the petitions, which demanded an inquiry into the whole affairs of the Company. He moved in amendment--

"That the names of Messrs. Lyon and Wilson be added to the Committee, and that the Committee be also instructed to institute an investigation into all the transactions of the Montreal and Bytown Railway Company from the date of its existence, into its resources, its means, and also in regard to its negotiations with the Receiver General."<sup>10</sup>

MR. LORANGER, in explanation, stated that some two years ago a company was formed to construct a Railway from Montreal to Bytown. Subscription (sic) lists were opened and stock subscribed,--of which stock the County of Terrebonne subscribed some 26,000L. His object in moving for the committee was to enquire as to [the] method in which this stock had been subscribed--in fact, to enquire into all matters connected with the stock subscribed. He would move that the names of the Hon. Mr. Robinson and Mr. Wilson, be added to the committee.<sup>11</sup>

MR. J.S. MACDONALD.--No! Messrs. Lyon and Wilson.<sup>12</sup>

MR. LORANGER said he was willing to add to his motion the names of Messrs. Robinson and Wilson.<sup>13</sup>

MR. ROBINSON hoped the hon. gentleman would withdraw his name from that committee, as his time was already fully occupied in other committees.<sup>14</sup>

MR. LORANGER said that in that respect they were all pretty much in the same condition.<sup>15</sup>

MR. J.S. MACDONALD contended that the motion of the hon. member for Lapra[i]rie did not include the prayer of the petition sent into that House on this subject, which prayed an enquiry into all the transactions of that Railway Company since its formation.<sup>16</sup>

MR. LORANGER did not consider it necessary that the wording of his motion should be in such strict accordance with the petition. The words of his motion were, he considered, ample enough.<sup>17</sup>

MR. A. DORION said his hon. friend would see that his motion did not go far enough. Petitions had been presented to this House complaining of that company, that they had not fulfilled their charter, and asking enquiry. In this case, it would be seen that an enquiry into the affairs of the Company was necessary, both for the protection of the public and of the Government.<sup>18</sup> Supposing that the government had been defrauded by the Company, in the exchange of the Debentures, of course in that case recourse would have to be had against the Company. The hon. gentleman was proceeding to give other reasons for a full enquiry, when he was interrupted<sup>19</sup>--

MR. LORANGER said he had no objection to insert in his motion that an enquiry be made into the affairs of the Company.<sup>20</sup> He objected, however, to the names he [Mr. J.S. Macdonald] had proposed to add to the committee.<sup>21</sup>

(129)

*Mr. Loranger moved, seconded by Mr. Desaulniers, and the Question being proposed, That a Select Committee, composed of Mr. Poulin, Mr. Antoine Aimé Dorion, Mr. Prévost, Mr. Labelle, and the mover, be appointed to inquire into all the transactions of the Montreal and Bytown Railway Company from the date of its existence; into the state of its affairs, its resources and its means; and also concerning the manner in which the Municipal Council of the County of Terrebonne subscribed on behalf of the Parishes of St. Martin, St. Jérôme, Ste. Adèle, and the Township of Abercrombie, a sum of Twenty-six thousand pounds to the Stock of the said Montreal and Bytown Railway Company; concerning the issue of Municipal Debentures in consequence of such subscription; the negotiation of such Debentures, and the acts of the Company, and generally concerning all matters and things relating to that transaction, to report thereon with all convenient speed; with power to send for persons, papers, and records;*

*The Honorable John Sandfield Macdonald moved in amendment to the Question, seconded by Mr. Papin, That the names of "Mr. Wilson" and "Mr. Lyon" be inserted after the name of "Mr. Labelle;"*

*And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.*

MR. LORANGER and DR. MASSON, called out that it was lost, and desired the yeas and nays to be taken.<sup>22</sup>

MR. SICOTTE the SPEAKER said a division would be taken, the yeas and nays being demanded by two members.<sup>23</sup>

MR. AT. GEN. DRUMMOND.--Stop. Cannot we come to some understanding about this matter?<sup>24</sup>



After some consultation on the ministerial side, the amendment ... was allowed to be carried without a vote.<sup>25</sup>

(129)

*Then the main Question, so amended, being put;*  
*Resolved, That a Select Committee composed of Mr. Loranger, Mr. Poulin, Mr. Antoine Aimé Dorion, Mr. Prévost, Mr. Labelle, Mr. Wilson, and Mr. Lyon, be appointed to inquire into all the transactions of the Montreal and Bytown Railway Company from the date of its existence; into the state of its affairs, its resources,*

(130)

*and its means; and also concerning the manner in which the Municipal Council of the County of Terrebonne subscribed on behalf of the Parishes of St. Martin, St. Jérôme, Ste. Adèle, and the Township of Abercrombie, a sum of Twenty-six thousand pounds to the Stock of the said Montreal and Bytown Railway Company; concerning the issue of the Municipal Debentures in consequence of such subscription; the negotiation of such Debentures, and the acts of the Company, and generally concerning all matters and things relating to that transaction, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*Ordered, That Mr. Jobin have leave to bring in a Bill to establish a Circuit Court in and for the County of Joliette.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

MR. BUREAU moved an address to His Excellency for a statement of the amount of the Assessment Roll in each town, village or municipality of Upper and Lower Canada which may have effected a municipal loan in virtue of the provisions of the Act 16 Vict., cap. 22 and 18 Vict., cap. 130, and also of the date at which such loan was contracted.<sup>26</sup>

MR. AT. GEN. DRUMMOND said that the Government was not in possession of all the Assessment Rolls which the hon. member desired, but whatever papers they had in connexion with the subject would be produced.<sup>27</sup>

(130)

*On motion of Mr. Bureau, seconded by Mr. Antoine Aimé Dorion,*  
*Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Statement of the amount of the Assessment Roll in each Town, Village, or Municipality of Upper and Lower Canada which may have effected a Municipal Loan in virtue of the provisions of the Acts 16 Vic. cap. 22, and 18 Vic. cap. 130, at the date at which such Loan was contracted.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Ordered, That Mr. Sanborn have leave to bring in a Bill further to amend the Judicature Acts of Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

MR. AT. GEN. DRUMMOND introduced a bill to provide for the holding of an additional term of the Appeal Side of the Court of Queen's Bench for Lower Canada, in the

present year. The hon. gentleman explained that this had been rendered necessary by the Judges being so much engaged with the Seignorial questions.<sup>28</sup>

(130)

*Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to provide for the holding of an additional Term of the Appeal side of the Court of Queen's Bench for Lower Canada in the present year.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.*

*Ordered, That Mr. Chapais have leave to bring in a Bill to amend the Lower Canada Municipal and Road Act of 1855.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Rhodes have leave to bring in a Bill to incorporate the Protestant Male Orphan Asylum at Quebec.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

DR. VALOIS moved to refer the petition of F.X. Pensant (sic) and others, praying for the amendment of the Municipal Act of Lower Canada, and all other petitions on the same subject, to a Committee composed of the Honourable Mr. Drummond, Messrs. Loranger, Chapais, Brodeur, J.B.E. Dorion, Pouliot, Turcotte, Charles Daoust, Thibaudeau, Jobin, Tache, Somerville, and the mover, with power to send for persons, papers, and records.<sup>29</sup>

MR. AT. GEN. DRUMMOND said, the Government were not prepared to allow a committee to be organized in this way. The Government had the whole subject before them, and intended to come down with certain amendments to the Municipal Act of Lower Canada which appear to be necessary<sup>30</sup>, what he was not at the present time prepared to state.<sup>31</sup> He was willing, when he brought down his measure on this subject, to submit it to a large Committee for its opinion; but in the meantime,<sup>32</sup> he hoped the hon. member would not press his motion as he would be compelled to vote against it.<sup>33</sup>

DR. VALOIS said, the amendments called for were absolutely necessary.<sup>34</sup>

MR. AT. GEN. DRUMMOND was well aware of the necessity that existed for the introduction of amendments, but the Government had the matter before them. They had considerable correspondence in their possession on the matter, and the complaints and petitions in reference to it.<sup>35</sup>

MR. PAPIN contended that many of the parties throughout the municipalities having the action of the bill in their hands, were better qualified to form an opinion on the results which might be expected from them than the Attorney General himself.<sup>36</sup>

MR. AT. GEN. DRUMMOND could not believe that hon. members on the other side thought he should follow a different course to what he had hitherto done. He had always consulted the municipal officers, and did not intend to do otherwise in this matter at present. It was a matter of great importance, and he acknowledged his

obligations to the hon. member for Terrebonne and Napierville, and any suggestions which they had to make would receive his attention.<sup>37</sup>

MR. A. DORION (Montreal) would refer to the journals of the House to show that this measure passed its third reading against the will of Lower Canada, and it was only by a majority of Upper Canadian members that it was carried. Since that time it had been asserted that this measure was to be the regeneration of Lower Canada, and the Attorney General in his great speech the other day on the Seignorial Tenure, enumerated all the benefits which were to be derived from it. Now the effect had been, that innumerable petitions complaining against it had been presented, and he (Mr. Dorion) had been particularly careful in looking over them. He found in one of them suggestions for amendments as being required in that Bill. That petition did not come from one of those counties represented by the Opposition, but by a member of the administration, one of its most faithful friends, and who voted himself for the measure while all Lower Canada and the House voted against it. He alluded to the member for the county of Bagot. (Hear, hear.) Well, he found that the amendments which were given are required to twenty-nine<sup>38</sup> [OR] seventy-nine<sup>39</sup> clauses, (hear, hear,) (enumerating them.) The bill contained ninety clauses, and was alluded to by the administration press as being the measure that would do much good to the country. His honourable friend on his right had voted for it because he was impressed with that belief, and thinking that all Lower Canada ought to be indebted to the Attorney General, because ... they had no municipal institutions from that time. Lower Canada had had municipal institutions since 1813, and since the time when amendments were made in 1844 and 1845, those institutions were progressively working and the object of asking a committee to enquire into the matter was not a party object, to overturn the present system of municipalities. The Attorney General knew very well that on the Opposition side of the House honourable members had voted for the bill at the second reading, but it was to the whole details of it that they had objected, and there was no doubt that such members were put upon this committee as would come down with a report which would enable the administration to bring such a bill as was wanted by the country. He was surprised to see the administration object to the present motion. If they did not wish to look at the bill from one end of it to the other, they ought to allow others to do it. He hoped the Attorney General would withdraw his objection<sup>40</sup>; and if not, that Mr. Valois would not give up his motion.<sup>41</sup>

MR. AT. GEN. DRUMMOND said he had already stated that the matter was under the consideration of the Government, and they were not at present prepared<sup>42</sup> to state what amendments should be made. (Hear, hear.)<sup>43</sup>

MR. SOMERVILLE thought that a great majority of the Upper Canadian members<sup>44</sup> [OR] the great majority of Lower Canada was favourable to giving to Lower Canada the same privileges which the people of Upper Canada had in this respect. The people of Lower Canada were willing to go on and work the municipal institutions the same as the people in Upper Canada, only they wanted to have the management of it. For those reasons he should vote for the motion.<sup>45</sup>

MR. LORANGER.--Je ne vois pas la nécessité de ce comité; au contraire je crois qu'il serait dangereux d'en permettre la formation. Bien que cette mesure paraisse assez inoffensive, je la considère en réalité comme un de ces coups de hache déjà trop nombreux portés par l'opposition pour saper le gouvernement constitutionnel dont nous jouissons.<sup>46</sup>



Une cacophonie (sic) de voix à gauche.--Oh! Oh! Ecoutez! Comment cela? Voyons!<sup>47</sup>

MR. LORANGER.--Etonnez-vous et exclamez-vous tant qu'il vous plaira; mais je n'en répéterai pas moins ma première assertion. Le gouvernement a pris la direction de cette loi; c'est bien plus: c'est lui qui se propose de travailler à l'amender.<sup>48</sup> These amendments would be placed before the general committee of the House.... And there would be as many amendments made as clauses in the bill.<sup>49</sup> De quel droit et dans quel but voulez-vous donc lui enlever cette initiative? N'est-il plus responsable aux yeux du pays pour le fonctionnement de la grande machine administrative? Est-ce avec bonne grâce que le comité proposé viendrait se mettre en travers et prétendrait montrer la bonne voie au cabinet?<sup>50</sup>

MR. SANBORN hoped the hon. Attorney General would not oppose the motion for a committee. It was evident that some amendments were required<sup>51</sup>. When this bill was before the House last session, there were many features of it which he objected to very strongly and from which they did not anticipate so many favourable results. They had all become law and probably would become the basis of a general law for Lower Canada, and a general desire upon the part of all had been evinced to ameliorate that Act as much as possible. (Hear, hear.) The improvements upon that law would not proceed from those who reside in cities, who have not been counsellors, or seen the action of the law, but from those who had been themselves members of these municipalities, and had seen the obstacles in the way of carrying out the clauses as they exist. How could this better be carried out than to have a committee named<sup>52</sup>. The hon. member for Laprairie (Mr. Loranger) says the law should be amended in Committee of the Whole; but these hon. gentlemen who witnessed the passing of this very act through a Committee of the Whole last year, and saw the impossibility of getting amendments made even although the hon. Attorney General who brought in the Bill was desirous to have them, will not be very sanguine of referring this again to a Committee of the Whole for amendment.<sup>53</sup> Why did the Attorney General desire to oppose the nomination of the proper committee? (Hear, hear.) And what more practical mode could be suggested for arriving at what would be for the benefit of the country, than the appointment of this special committee?<sup>54</sup> This act should be [referred] to a committee of practical men--men desirous of improving it; and if no opposition (sic) was given by the Ministry, he was sure none would be offered by hon. gentlemen opposite to have this law amended in such a way as to meet the requirements of those who have it to car[r]y out. Certainly, such a course would be infinitely better than leaving it to a Committee of the Whole. To that committee could also be referred the various petitions which have been presented, asking for amendments--and by this means the amendments suggested in the different parts of the country could be harmonised, and so made beneficial to the whole community. He had just received a letter containing several suggested improvements to that law; many more had been stated by others; and it appeared to him therefore, that the Attorney General would be rendering a great service to the country by allowing that act to go to a Special Committee, which might either be the one specified in the motion or a committee named by the House.<sup>55</sup>

MR. AT. GEN. DRUMMOND, in reference to the remarks of the hon. member for Montreal, (Mr. Dorion), said that hon. gentleman was very successful in getting up objections to any measure. He says the people of Bagot have sent in amendments to nearly every clause in that act, but he did not tell this house that nearly all these amendments referred simply to the change of the name of one officer which required to be inserted in a number of the clauses, and which they wish to amend by

substituting another. He denied that the people disapproved of the bill. It was approved of by the people, and had been carried out very successfully throughout the country.<sup>56</sup> (Hear, hear.) The Government could well afford to hear such cavils as those made by the hon. member for Montreal, which were unworthy of himself, and he hoped that when he had reflected he would see that it was a very petty thing.<sup>57</sup> The Chief Superintendent is named in the bill, but these people would rather have the power in their own hands, so that it is necessary to have this name changed in 30 or 40 of the clauses, to meet the views of the people of Bagot. That law was working satisfactorily, and he would not be driven from his position and allow it to go to any committee.<sup>58</sup> Was it to be said that the Government should give up its legislation upon every particular pointed out to the House? He trusted that would not be called for. These amendments to laws should be well and fully considered, as was the bill itself, and the hon. member for Compton, who was one of its strongest opponents, felt himself compelled by the force of opinion in his part of the country to put his shoulder to the plough and to assist in carrying it out. (No, no.) He (Mr. Drummond) was perfectly willing to meet gentlemen half way in the matter. He admitted there would be some difficulty in going over all these petitions in a committee of the House, considering all the suggestions which had been made, but he would hold that the Government must take the initiative in this matter, (hear, hear,) and not allow this system to be frittered away<sup>59</sup> before the people have tried to work it out.<sup>60</sup> It would not be rendering service to the country to allow a committee to take hold of the measure and shake it to pieces. The government taking the initiative would come down to the House with a plan, ... prepared to say how it would go, and then would be prepared to organize that committee from all parts of the House, but he trusted that so long as he occupied his present position, he should not be driven by the hon. member for Jacques Cartier or other hon. members, to give up a Government measure.<sup>61</sup>

MR. LABERGE.--Ce n'est pas seulement un article, ni quelques-uns qu'il faut amender, mais peut-être un tiers de l'ensemble, et comment pourrions-nous espérer que l'Attorney-Général, malgré ses talents que je reconnais et sa bonne volonté que j'admets, pourra savoir, par intuition pour ainsi dire, comment il faut réformer tous les abus de cette loi? L'intelligence humaine ne peut pas suffire à tout; il y a des bornes aux capacités, et le chiffre des réclamations est si élevé qu'un seul homme ne saurait les entendre toutes. D'ailleurs, ceux d'entre les députés qui demeurent exclusivement dans les villes ne peuvent pas se faire une idée bien lucide des défauts d'une loi qui fonctionne parmi les populations rurales. Un comité, composé de membres de diverses parties du B.-Canada et connaissant bien les besoins de leurs commettants peut seul indiquer le remède désiré; je vote donc pour la motion. (Applaudissements.)<sup>62</sup>

DR. MASSON.--M. l'Orateur, j'ai écouté attentivement le député d'Iberville dans l'espoir de l'entendre émettre une idée lumineuse dont nous ferions tous notre profit. Mais que j'ai été désappointé! non seulement les paroles qu'il vient de prononcer ne peuvent nous être d'aucune utilité pour amender la loi municipale, mais elles m'ont même convaincu que l'hon. membre n'a pas la moindre connaissance de la question qui nous occupe.<sup>63</sup>

Cris des deux cotés.--Oui! non! non! si!<sup>64</sup>

DR. MASSON.--Et comment en serait-il autrement, M. l'Orateur? les représentants qui parlent toujours des besoins des campagnes, qui tentent tant de choses pour

plaire aux populations rurales dont ils se sont attribué la mission de défendre les intérêts, ces messieurs demeurent la plupart d'entre eux au sein des villes. Ce sont des hommes de loi qui n'ont rien de champêtre dans leur personne ni leurs occupations quotidiennes. S'ils connaissent réellement les intérêts de leurs commettants ou plutôt de toutes les municipalités du Bas-Canada, ils sauraient que le peuple de cette partie de la province est réellement satisfait de cette innovation et qu'il en espère les plus heureux résultats. Sans doute il a découvert quelques défauts dans cette loi; mais le bien l'emporte sur le mal, et comme le gouvernement est l'auteur de la mesure, on espère que ne serait-ce que par amour-propre, il l'amendera autant que possible. On attend parcequ (sic) qu'on a confiance en sa bonne volonté. Voilà l'état des choses dans tous les comtés, à l'exception peut-être de ceux qui ont le bonheur de se trouver agités par les discours des honorables de la gauche. Je ne doute pas que dans ces comtés l'opinion ne soit quelque peu pervertie ou du moins trop surexcitée.<sup>65</sup>

MR. BUREAU.--Je me lève, M. l'Orateur, pour déclarer et mon intention de voter en faveur de la motion et mes raisons pour prendre ce parti. Puisque l'hon. membre pour Soulanges a fait à quelques députés le reproche de vouloir s'occuper sans cesse d'améliorations en faveur des populations rurales, tandis qu'ils vivent à la ville et ne savent pas, par conséquent, quels sont les plus grands besoins des gens de la campagne, je crois devoir dire que moi qui vis à la campagne, moi qui connais les besoins des cultivateurs, je sais par combien de vices la loi des municipalités est gâtée; j'en connais les défauts; j'en ai étudié les ressou[r]ces; en la voyant à l'oeuvre, j'ai pu m'assurer qu'il fallait l'amender et cela de telle façon que nous ne soyons pas obligés, l'année prochaine, pour obéir encore au voeu public, [de] l'amender une seconde fois. Voilà pourquoi je demande la formation de ce comité; je sais que vous êtes les plus forts et je ne puis pas vous empêcher de voter comme vous l'entendrez; mais ce que je sais aussi, c'est que le pays demande les amendements à la loi que vous semblez défendre encore, et la Chambre qui est le grand comité d'enquête du pays doit s'en occuper au plutôt (sic).<sup>66</sup>

DR. T. FORTIER (de Nicolet).--Ce n'est pas le pays qui demande ces amendements à tue-tête, comme on voudrait nous le faire entendre. On met toujours le pays en avant pour faire du bruit sous le couvert populaire; mais ce moyen est à présent usé jusqu'à la corde; il n'y a pas d'homme si sot qui ne sache que c'est de la blague politique.<sup>67</sup>

Rire immense dans la tribune, [et] dans la salle<sup>68</sup>.

DR. T. FORTIER.--Très bien! rira bien qui rira le dernier, et quand vous verrez qu'on vous connaît, que vous êtes à bout de ressources et que ce comité dont vous voudriez vous servir pour faire du bruit dans le pays, vous est refusé, alors vous n'aurez plus envie de rire.<sup>69</sup>

MR. THIBAUDEAU.--Je m'explique, M. l'Orateur, l'indignation du député de Nicolet. C'est une mauvaise foi politique réelle de venir proposer à la Chambre des amendements à une loi dont le gouvernement s'est rendu responsable et qu'il déclare hautement trouver lui-même imparfaite, susceptible d'amendement et devoir être en effet bientôt amendée.<sup>70</sup>

MR. TURCOTTE.--Je suis forcé, M. l'Orateur, de considérer la proposition de ce comité comme une ruse de guerre et, le dirai-je? une mauvaise ruse, puisqu'elle a été



éventée et que, par conséquent, elle ne rencontrera que l'insuccès.--L'opposition savait que la loi des municipalités a besoin d'être remaniée; tout le monde le sait; le gouvernement lui-même le dit à qui veut l'entendre. Mais c'est parce qu'il le dit, que l'opposition apprenant l'intention où il était d'amender cette loi, a voulu lui en ôter le mérite en se hâtant de proposer ce comité. Qu'ils l'obtiennent, et les membres de la gauche s'en iront disant partout qu'ils ont été obligés de batailler longtemps pour obtenir ces amendements; mais que la bonne cause a triomphé enfin et qu'ils ont forcé la main au gouvernement. Mais j'espère qu'ils n'auront ni cette satisfaction ni ce comité, et que, néanmoins, le pays aura les amendements désirables.<sup>71</sup>

DR. VALOIS again addressed the House, in reply to the statements made by ministerial members.<sup>72</sup> He said at the commencement of the Session he had enquired whether the Government proposed to do anything for the reform of the Municipal Law, and finding they were not disposed to do so, he had made this motion, on which he would insist in dividing the House.<sup>73</sup>

(130)

*Mr. Valois moved, seconded by Mr. Jobin, and the Question being put, That the Petition of F.X. Ponsant and others, praying for certain amendments to the Municipal and Road Act of 1855, and all other Petitions presented to the House for the same object, be referred to a Select Committee, composed of the Honorable Mr. Attorney*

(131)

*General Drummond, Mr. Loranger, Mr. Chapais, Mr. Brodeur, Mr. Jean Baptiste Eric Dorion, Mr. Pouliot, Mr. Turcotte, Mr. Charles Daoust, Mr. Thibaudeau, Mr. Jobin, Mr. Taché, Mr. Somerville, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided; and the names being called for, they were taken down, as follow:--*

#### YEAS.

*Messieurs Aikins, Bourassa, Bureau, Christie, Cooke, Charles Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Ferrie, Frazer, Galt, Gould, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Masson, Mattice, Merritt, Papin, Prévost, Rolph, Sanborn, Scatcherd, Somerville, Valois, Wilson, Wright, and Young.--(37.)*

#### NAYS.

*Messieurs Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Church, Clarke, Conger, Crawford, Crysler, Daly, Jean B. Daoust, Delong, Dionne, Dostaler, Attorney General Drummond, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Lyon, Attorney General Macdonald, McCann, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Patrick, Polette, Poulin, Pouliot, Powell, Price, Rhodes, Robinson, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Thibaudeau, Turcotte, and Whitney.--(62.)*

*So it passed in the Negative.<sup>74</sup>*

MR. SICOTTE the SPEAKER then left the chair.<sup>75</sup>

The House then adjourned at six o'clock, till half-past seven.<sup>76</sup>

(131)

*Ordered, That Mr. Prévost have leave to bring in a Bill to provide in a more certain manner for order in enregistration, and to facilitate enregistrations and searches in the Registry Offices of Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*The Order of the day for the second reading of the Bill for the protection of Squatters in the Townships of Lower Canada, being read;*

MR. J. DORION moved the second reading of the bill<sup>77</sup>.

MR. AT. GEN. DRUMMOND wished Mr. Dorion to postpone his bill, as he had not read it.<sup>78</sup>

MR. J. DORION said that he would give the hon. Attorney General some explanations which he thought would satisfy him. This bill was very much like one which passed this House last year by a vote of 52 against 23. Out of that number, 50 were from Lower Canada, 49 voted for it and only 1 against it. The bill was lost in the Upper House. He thought this would be sufficient to induce the hon. Attorney General to allow the bill to pass a second reading, as he proposed to refer it to a special committee of which Hon. Mr. Drummond would be a member?<sup>79</sup>

MR. AT. GEN. DRUMMOND consented<sup>80</sup>.

(131)

*The Bill was accordingly read a second time;*

[On the] motion that it be referred to a special committee,<sup>81</sup>

MR. MACKENZIE said he did not intend to enter into the merits of the bill, but if this committee would bring in a bill to give the same law to Lower Canada that we have in Upper Canada, to tax all that wild land and give the settlers the benefit of those taxes, and let the absentees lose the whole of the land it would soon remedy the evils.<sup>82</sup>

The bill was [then] referred.<sup>83</sup>

(131)

*and referred to a Select Committee, composed of Mr. Jean Baptiste Eric Dorion, the Honorable Mr. Attorney General Drummond, Mr. Sanborn, Mr. Desaulniers, and Mr. Papin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

On motion of MR. A. DORION (Montreal),<sup>84</sup>

(131)

*The House, according to Order, again resolved itself into a Committee to take into consideration the following Resolutions:--1. That the Laws which now regulate*

(132)

*the mode of granting Tavern Licenses and Licenses for the sale of spirituous and fermented liquors are insufficient, and that it is expedient to provide in a more*

*efficient manner, by further enactments, for the prevention and repression of Intemperance. 2. That no person ought to be permitted to sell spirituous and fermented liquors in less quantities than three gallons, without having first obtained a License for that purpose. 3. That the exclusive right of granting such Licenses ought to be vested in the Councils of the Local Municipalities, with power to make By-Laws to determine the manner in which Licenses ought to be granted for the regulation of Taverns and other places in which spirituous or fermented liquors are sold. 4. That no Tavern License ought to authorize the person holding such License to retail or furnish intoxicating beverages or spirituous or fermented liquors to any but travellers or persons residing more than six miles from such Tavern, and to persons lodging at or boarding in the said Tavern;*

MR. A. DORION moved the adoption of the first resolution.<sup>85</sup>

MR. HARTMAN said he had given notice of his intention to move the restriction of the bill to be founded on those resolutions to Lower Canada, and to introduce a bill embodying the Prohibitory principle, for Upper Canada. (Hear, hear.)<sup>86</sup> He intended to test the opinion of the House on that subject; because he was satisfied that a large majority<sup>87</sup> of the members for Upper Canada as well as the people were in favour of Prohibition, the Upper Canadian vote the other night having been 38 to 15 for that principle. He trusted then that gentlemen from Lower Canada would not throw any obstacle in the way of a Prohibitory Liquor Law being enacted for Upper Canada. If it was objected that that would be sectional legislation, he replied that that was the case now, there being one license law for Upper and another for Lower Canada. They legislated in that sectional way every day. There was for example one school law for Upper and another for Lower Canada, and so with other measures. He admitted that the people of Lower Canada had not asked to any great extent for Prohibition, and the only petition presented this session against Prohibition came from Lower Canada. But he trusted that gentlemen from that section would not on that account prevent the people of Upper Canada from getting the Prohib[i]tion Law.<sup>88</sup>

The first resolution was then put and carried.<sup>89</sup>

The second resolution being put from the Chair,<sup>90</sup>

MR. FELTON thought that no person should be allowed to sell spirituous liquors, in any quantity, unlicensed, and would therefore move, in amendment, that the words,<sup>91</sup> "in less quantities than three gallons" be struck out.<sup>92</sup>

MR. A. DORION thought that the amendment was misapplied.<sup>93</sup> The object of the clause was to allow of the wholesale traffic.<sup>94</sup>

MR. DEWITT expressed himself opposed to the licensing system altogether, and referred at length to the evils resulting from the sale of liquors.<sup>95</sup> [He] considered the House was going in the wrong direction, when it kept on licensing what caused more loss of life and misery, than war or pestilence. The resolutions now proposed were of no use in the world.<sup>96</sup>

MR. A. DORION did not intend to alter the law which required no license for selling over three gallons.<sup>97</sup>

MR. MACKENZIE commented on the inconsistencies of the hon. member for Wolfe (Mr. Felton). Last year, that gentleman was for no liquor at all. Now, he was for



good liquor, and plenty of it. (Laughter.)<sup>98</sup> [He] said that on this question the House was found, as usual, divided against itself--one set of men bent on going one way, and another set the other. The hon. gentleman then set forth how prohibition was nullified in the House last Session, and stated that such would always be the case, so long as both Upper and Lower Canada representatives were so divided on the question. While such a state of things existed, how, he would ask, could they legislate with advantage to the country? It, like everything else, showed the necessity that existed for a repeal of the Union--those hon. gentlemen from the Lower province who came here to legislate, ought to return to Quebec and there pass laws for Lower Canada; and hon. gentlemen representing Upper Canada, ought to stop here and legislate.<sup>99</sup> He approved, however, of the proposition of the hon. member for North York (Mr. Hartman), and he could not suppose any difficulty would be thrown in the way, when it appeared from the vote of last week, that two-thirds of the Upper Canada members wanted the Maine Law for Upper Canada.<sup>100</sup>

DR. MASSON.--But they shan't get it.<sup>101</sup>

MR. MACKENZIE was sure that they would get it. It was calculated to raise mankind in the scale of existence, and it would be sure to come in the end. Like his hon. friend on his right (Mr. Dewitt), he had no faith in the license system.<sup>102</sup> It was this principle of licenses that of old caused the Protestant Reformation, and drew Martin Luther from the seclusion of the cloister. The Pope of that day licensed what was criminal and unjust, but Martin Luther boldly opposed that license system. (Laughter<sup>103</sup> [and] cries of "hear, hear," and "order, order."<sup>104</sup>) By the resolution before the House, it was proposed to license what was wrong, unjust and criminal.<sup>105</sup>

DR. T. FORTIER said that the Upper Canadians had to be whipped and spurred into morality,--but the Lower Canadians were kept in it by their religious faith, and did not require a Maine Law. The Globe and Message were always attacking Lower Canadian institutions, and trying to impose their own notions on Lower Canada--but the people of Lower Canada never acted in that way.<sup>106</sup> If the Upper Canadians wanted a law, it should provide one for itself, instead of forcing its views upon those who differed from them.<sup>107</sup>

MR. FELTON considered that no sale of liquors should take place without a license. If the House desired to leave the wholesale traffic without license, then he had mistaken the exprssion (sic) of opinion given the other night. He understood that the majority of the House was in favor of the most stringent law they could get; and without such stringent law they could not suppress the present adulteration which so generally prevailed.<sup>108</sup>

MR. A. DORION expressed his astonishment at the position assumed by the hon. member for Wolfe (Mr. Felton.) One year he was for the regulation of the traffic, another he comes in for cold water, and now he is for the most stringent license law that can be obtained; but his great desire seemed to be to prevent all legislation on the subject. He succeeded most completely in this way last year, and he seemed to be trying the same course this year.<sup>109</sup>

MR. GOULD said he would be compelled to vote against the amendment of the hon. member for Wolfe. He (Mr. Gould) had no faith whatever in the license system. It had been tried in Upper Canada for years, and had failed, and always would fail, and deserved to fail. The license system implies that the party obtaining it receives a

privilege equivalent to the sum he pays. He would ask hon. gentlemen whether they consider the money taken for licenses is money that should be received by any Government whatever. Taking money for licenses was nothing else than a premium paid upon pauperism. He would therefore vote against all licensing, and if he could not get a prohibitory liquor law, would certainly go for free trade in liquor.<sup>110</sup>

DR. CLARKE considered that the reason why the License Law had failed in Upper Canada, was, that it was in the hands of the municipalities. It would work better, if placed in the hands of the Government.<sup>111</sup>

MR. GOULD said that, in Upper Canada, it had only been within the last five years that it had been in the hands of the municipalities.<sup>112</sup>

MR. A. DORION said that the license system in Lower Canada was in the hands of the Government, and it had failed there too. The Inspector is the only person who can sue for banalité, and that officer is appointed by the Executive.<sup>113</sup>

MR. PROV. SEC. CARTIER said the hon. member for Montreal had brought in resolutions to regulate the license system in Lower Canada, and yet he did not seem to understand the system at all. The matter of licensing in Lower Canada is not in the hands of the Government. It is in the hands of the Municipalities. No one can get a license unless he gets the consent of the majority of the Municipalities in which he resides. In the County which he represented--the County of Vercheres--there was not one tavern keeper, because everyone who had applied for a certificate of license had been objected to by the Municipality, and the consequence is that Vercheres has been four or five years without a single tavern; Government, however, has nothing to do beyond this: that when the Municipal Councils choose to recommend an individual as qualified to receive a license to keep a tavern, Government must as a matter of necessity grant a license; but the real licensing is in the hands of the Municipality.<sup>114</sup>

MR. ALLEYN said the same was the case in the cities in Lower Canada, the City Council must recommend a person as entitled to receive a certificate.<sup>115</sup>

MR. A. DORION said he held in his hands the law of Lower Canada, and although the hon. gentleman opposite might attempt to make the House believe that the licensing was in the hands of the Municipalities, it was not the case. The licensing is virtually in the hands of Government, for no one has the authority to sue for an infringement of the law but the Government.<sup>116</sup>

MR. LORANGER was of opinion that Mr. Felton had wisely given up the Prohibitory Law being conscientiously convinced that public opinion was against it, and that it had failed where it had been tried in the neighboring States.<sup>117</sup> [He] objected to the resolution, because it went to show that anybody can sell ... [more] than three gallons without a license. They held it to be a fault to sell half a pint without a license, while they would permit anyone to sell five gallons or a hundred gallons without a license. If they prohibit the sale of half a gallon without a license, they should also prohibit the sale of five gallons without a license. It was his opinion that the example of the neighboring country was against a prohibitory law. And the opinion of the House was also against it in Quebec, last session, at the first reading of the bill, not ten members voted against it. On the second reading, however, the ten increased to twenty or thirty. When it was considered in

Committee, there were forty against it; and when the third reading came on, the members were still further augmented--nearly two-thirds voting against it. It was very true, that in the last instance it was to maintain a point of order and uphold the opinion of the Speaker; but there was also another reason at the bottom of it. A number of members who did not vote against this bill at first, did so, because they thought at the last stages it would not be supported; or if it were, that it would be thrown out by the Legislative Council. He thought that the resolution of the hon. member for Montreal, now before the House, should be thrown out and the amendment of the hon. member for Wolfe adopted. He would uphold the principle, that if it were wrong to sell liquor, the greater quantity sold the greater the crime.<sup>118</sup>

MR. POWELL thought the hon. member for Lapra[i]rie had mistaken the object for which the license law had been designed. He [Mr. Powell] would desire that one law should be laid down by the Government and every municipality should be made to follow it.<sup>119</sup> [He] was opposed to making any distinction in the legislation on this subject between Upper and Lower Canada.<sup>120</sup> [He] considered that the sale of liquor in small quantities was the chief cause of the evils complained of<sup>121</sup> [and] would vote in amendment that five or ten ... [gallons] be substituted in place of three.<sup>122</sup>

Mr. Felton's amendment was then put and lost.<sup>123</sup>

MR. POWELL [moved in amendment] to substitute 5 gallons for 3, as the quantity under which a license was required<sup>124</sup>.

[Mr. Powell's amendment] was carried.<sup>125</sup>

The third resolution being put,<sup>126</sup>

MR. HARTMAN flattered himself that before they got through with the discussion, they would come to the conclusion, that the better way, after all, would be to go for a prohibitory law at once. It appeared to him that the resolutions now before the chair were so framed that the amendments he proposed might be attached to them, in order to restrict the action of the bill to Lower Canada.<sup>127</sup>

MR. CAMERON said there was one point he would wish to suggest to his hon. friend from Montreal. Instead of vesting the exclusive right of granting licenses in Municipal Councils, the power should be vested in Inspectors. He would vest the power of appointing the License Inspector in the Municipal Council, and that he should have the exclusive right of granting such license. He would therefore move, in amendment, that the exclusive right of granting licenses be vested by Municipal Councils in the License Inspector.<sup>128</sup>

MR. POWELL supported the amendment.<sup>129</sup>

MR. FELTON opposed the principle of the appointment of License Inspectors resting with the municipal councils.<sup>130</sup>

MR. AT. GEN. J.A. MACDONALD was of opinion that License Inspectors should not be appointed directly or indirectly by the people, but that they should be officers receiving salaries<sup>131</sup>, nominated by the Crown, or the county judges.<sup>132</sup> He believed that this would secure a more efficient inspection of all places selling spirits.<sup>133</sup>



MR. GAMBLE would not admit that our present system had failed. The licenses under the old system were granted by the magistrates, who were not appointed by the popular voice. But he believed the system was much better now than then. He was in favor, however, of having the Inspectors appointed, not directly by the people, but by the municipal bodies, and he would also like a minimum rate fixed, below which licenses would not be granted.<sup>134</sup>

Mr. Cameron's amendment was then put, and carried.<sup>135</sup>

Some other amendments having been made,<sup>136</sup>

MR. HARTMAN said he would now move the amendments of which he had given notice. These resolutions as they stand are simply a repetition of what we have as a license law in Upper Canada, with the exception of the 2nd resolution, which limits the sale to 3 gallons instead of 5 gallons as in that resolution; therefore he did not think that for any practical purpose it would be of advantage to Upper Canada. He therefore proposed that any Bill which shall be based upon the foregoing resolutions be confined to Lower Canada. He would follow up this with a second resolution to the effect that it is expedient to provide by legal enactment for the entire suppression in Upper Canada of the traffic in intoxicating liquors as a beverage.<sup>137</sup>

MR. PAPIN hoped the hon. gentleman would [not] propose both motions at once, because he would vote for the first but he would vote against the second.<sup>138</sup>

The House then divided, and ... [Mr. Hartman's] first resolution was carried by a majority<sup>139</sup> of 40 to 35.<sup>140</sup>

The Committee then rose and reported the resolutions as amended.<sup>141</sup>

(132)

*and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bellingham reported, That the Committee had come to several Resolutions.*

*Ordered, That the Report be now received.*

*Mr. Bellingham reported the Resolutions accordingly; and the same were read, as follow:--*

1. *Resolved, That the Laws which now regulate the mode of granting Tavern Licenses and Licenses for the sale of spirituous and fermented liquors are insufficient, and that it is expedient to provide in a more efficient manner, by further enactments, for the prevention and repression of Intemperance.*

2. *Resolved, That no person should be permitted to sell spirituous or fermented liquors in less quantities than five gallons, without having first obtained a License for that purpose.*

3. *Resolved, That the exclusive right of granting such Licenses should be vested in License Inspectors to be appointed by the Local Municipal Councils, at pleasure, with power to the said Councils, to make By-Laws to determine the manner in which Licenses should be granted for the regulation of Taverns and other places in which spirituous and fermented liquors are sold.*

4. *Resolved, That no Tavern License should authorize the person holding such License to retail or furnish intoxicating beverages or spirituous liquors or fermented liquors to any but Travellers, and to persons lodging at or boarding in the said Taverns.*

5. *Resolved, That any Bill which may be based on the foregoing Resolutions should, in its operation, apply only to Lower Canada.*

*Ordered, That the further consideration of the said Resolutions be postponed until to-morrow.*

*The Order of the day for the second reading of the Bill to extend the line of the Port Dalhousie and Thorold Railway Company, being read;*

On motion of MR. MERRITT,<sup>142</sup>

(132)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Order of the day being read, for resuming the adjourned Debate upon the Question, which was on Friday last proposed, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Copy of the Charge delivered by the Honorable Judge Duval to the Jury on the Trial before the Criminal Court at Quebec, in the month of February last, of Kelly and others, for the murder of Edward Corrigan;*

*And the Question being again proposed; the House resumed the said adjourned Debate.*

MR. AT. GEN. DRUMMOND said he would take occasion to state more fully what had occurred on the only accusation which he had been able to refer to, as having any striking analogy with the present case. It was in a complaint made to the House of Commons with regard to a charge delivered by<sup>143</sup> Baron Pennefather<sup>144</sup>--in which the statements on which the accusation was founded were taken from a newspaper report, (just as the hon. member for Toronto had founded his charge on the faith of a similar document). On the occasion he referred to, Sir Edward Knatchbull brought up a charge against the learned judge, on the faith of an Irish newspaper report. On that occasion, one of the members said he submitted with great deference, that such a report was not sufficient ground for the proceeding.<sup>145</sup> He knew that the learned member for Toronto (Mr. Cameron) placed his motion on a different basis. He did not wish to bring a charge against Judge Duval, but simply<sup>146</sup> to get a copy of the charge in order to enable the learned judge to contradict the false report which had been published of his charge. The real question in this case was, therefore, whether the Government could compel the judge to give a copy of his charge; and, even were he willing to do so, whether he were in a position to comply with the demand.<sup>147</sup> But, disguise it as they might, he (the Attorney-General) could not avoid the conclusion that it did actually amount to a charge against the judge.<sup>148</sup> If the object of the present motion was to enquire into the conduct of the learned judge, no enquiry could be entered into by the House--according to the Independence Act--unless an accusation were formally made in the House. Under that act, it was only where the judge's charge had been such as to authorise the interference of the Legislature and demand an enquiry into his conduct, and denounce his decision, if it had been found to be opposed to the spirit of Justice<sup>149</sup>, which might lead to the impeachment, and finally to the dismissal, of the judge<sup>150</sup>--that any such an enquiry could be made. He humbly submitted, that, unless under those circumstances, no enquiry of the nature now proposed could be made. He felt exceedingly anxious to exculpate the learned judge, if he had not delivered the charge which had been imputed to him. At the same time, however, in order to carry out the object of the motion, it was necessary that it should appear in the light of a charge made against the learned judge.<sup>151</sup> The Attorney-General then read from the speeches of Sir Edward Knatchbull, and Mr. Frederick Shaw, on the occasion he had referred to,

to confirm his argument that newspaper reports should not be taken as a basis for concluding what the judge had uttered.<sup>152</sup> In the case before referred, one of the speakers in the House of Commons said, "he could not believe the newspaper report. He could not tell to a certainty whether the learned judge had ever delivered any such charge. It would be assuming a most dangerous precedent to affirm that the moment an accusation is made against a man, on such a foundation, that man should come forward and sustain his character." In all that was said on that occasion, he (Mr. D.) fully concurred. The latter part was, perhaps, an exception; for he was free to admit, that if the words attributed in print to the learned judge were true, the opinion was not legal, in one case, at least. In all other respects the remarks he had quoted fully sustained the justice of the observations which he had just stated. Unfortunately, his hon. and learned friend the Solicitor General, was not in court when this particular portion of the charge was delivered. He had been so exhausted by fatigue that he left the court for a few moments, and did not return until this portion of the charge had been delivered. But he (Mr. D.) had been told by a gentleman,<sup>153</sup> a Protestant lawyer<sup>154</sup> who was present on that occasion, and who could not be suspected of being in favor of Judge Duval, that he never heard a more able or impartial charge, and the several gentlemen present also remarked it, saying at the same time that he (the Judge)<sup>155</sup> had charged strongly against the prisoners, but that there was no satisfying senseless persons.<sup>156</sup> In making such a request as this from the Government, it should first be considered whether such a proceeding was in their power. And in this instance, the Government felt that they had not the power to compel Judge Duval to deliver up a copy of his charge; and in that case it was needless to present an Address to His Excel[l]ency on the subject. Besides, it was questionable whether they could by possibility get a copy of the Judge's charge. Such a charge was different from that delivered to a Grand Jury; for in that case, the charge was deliberately drawn up, and, after being delivered, was handed to the newspaper reporter,--and subsequently, appeared in the papers verbatim. It was, however, a very different thing when a Judge was addressing a jury at any other time. Then he almost invariably delivered viva voce decisions. It was, therefore, exceedingly probable that at this moment the learned Judge was not in a position to furnish them with a correct copy of what he said on that occasion.<sup>157</sup> Besides the case to which he had referred, several motions had been made in the House of Commons to organize committees to enquire into the conduct of judges,--but that was different. One of these was an accusation brought by Mr. O'Connell against Baron Smith, that in a charge delivered to a Grand Jury, he had discussed political subjects<sup>158</sup>--and, in fact, addressed himself to the passion and prejudices of a certain portion of the community<sup>159</sup>, and assailed the leading Irish political characters of the day. O'Connell succeeded in obtaining a committee to enquire into Baron Smith's conduct. But a few days afterwards the matter was again brought up, and a resolution passed by a small majority rescinding that former resolution.<sup>160</sup> On that occasion the question was fully discussed in the House, and the most influential members were decidedly of opinion that the House could not interfere unless in a case of impeachment. Sir Robert Peel closed his remarks on that occasion by stating that there was no precedent for such an application, and declaring his intention to oppose the motion. Sir James Park also spoke very strongly against it, and strongly opposed the Solicitor General who was of opinion that they might go into committee on the subject. With reference to the motion now before the House, it could not be supposed that its object was merely to get the charge and not discuss its merits. No, there must be an object. But, as he had before stated, that house could not take up that motion, in order to discuss the merits of the charge, unless by a direct impeachment of the Judge. In conclusion, he would state it as his decided opinion, that no further proceedings ought to be taken in the matter.<sup>161</sup>



MR. WILSON said he wished to answer an objection made by the hon. member for Wolfe [Mr. Felton] on the previous evening. That hon. member could not conceive why any member of the bar of Upper Canada could take upon himself to speak upon the conduct of the judges of Lower Canada. That hon. gentleman must give the bar of Upper Canada credit for this, that they have made the criminal laws their study, and that criminal law is the criminal law of England, and therefore the bar of Upper Canada are as competent to pronounce judgment as the bar of Lower Canada. In an occasion of this kind, it equally becomes the bar of Upper Canada to express judgment as the bar of Lower Canada, and perhaps with more good taste, because they have no feeling in the matter. He therefore deprecated the statement made by the hon. member for Wolfe--that it was bad taste for a member of the bar of Upper Canada to take up this question. With reference to the matter itself, he had great difficulty when the matter first came before the House to know what they should do, because it was said--What the Crown could not command the Crown had no right to ask. This he thought was not sound law. This House may ask, and the Crown may properly ask, where they cannot command.<sup>162</sup> The Attorney General could find cases of this, and the crown might ask the judge for his charge, and the judge may properly refuse to give it, and the crown may properly refuse to compel it, and that House could not ask it as a matter of compulsion, but<sup>163</sup> it was well known that in all cases of capital conviction, it is usual for the Judge to give a copy of his charge along with the notes of the evidence taken on the trial, in order that the Crown<sup>164</sup> might in the consideration of extending mercy to a prisoner form an opinion upon the judge's charge. The crown therefore might ask him for it, but beyond the mere asking, neither the crown nor the House could go any further, but he thought that as a matter of constitutional law the crown or the House might properly ask for it.<sup>165</sup> The Attorney General, however, seems to think that the asking for this address implies a censure on the Judge, suppose you go no further than merely to have the charge, that he (Mr. Wilson) thought was begging the question. No one believes the learned Judge made the charge he is represented to have made. He could not think that a gentleman who holds so high a reputation could have made such a charge. He thought, therefore, that this House had a right to ask for it, and he thought the Executive Government may very properly ask for it. If the learned Judge chooses to refuse it, that would be an end to the matter. They had no right to pass any censure upon him suppose he should refuse to comply. He agreed with the hon. Attorney General that this House has no right to pass censure upon a Judge, because nothing short of an impeachment could be made, and they ought to abstain from that for reasons the Attorney General had stated.<sup>166</sup> Even if all were true that is attributed, the House would not be justified in asking for his removal.<sup>167</sup> It would be most unwise in this House to adopt any proceeding with a view to the partial condemnation of any judge of the land. It would be a most dangerous thing for this House to do any thing of the kind, it may not be expedient to ask this charge; but when the question arises as to what we can constitutionally do, no one can doubt that as a matter of constitutional law, they had a right to ask for it, for the Crown had a right to ask for what it cannot command. One word with reference to asking for this charge. The Crown impliedly asks for a report of any trial when a capital conviction takes place.<sup>168</sup>

MR. AT. GEN. DRUMMOND.--Why does the Crown ask for these notes?<sup>169</sup>

MR. WILSON.--The reason is obvious. It [is] just for the purpose of exercising its prerogative of mercy.<sup>170</sup>

MR. CAMERON was sorry that he could not agree with what the Attorney General East had just stated. He would explain to the House the grounds on which he thought he

had a right to ask for the paper.<sup>171</sup> The Government seemed to urge that there was no way to proceed against the Judge except by impeachment. Now, in this count[r]y there was no such thing as impeachment. The only mode of proceeding was by<sup>172</sup> an Address from both Houses to the Crown to remove the judge if the charges brought against him were found to be true<sup>173</sup>, so that the objection to the motion founded on that ground must fall to the ground.<sup>174</sup> It was not unconstitutional as the Attorney General had argued, to demand the charge of a Judge. If a thing be unconstitutional it must be so in the act; not in consequence, and if it be unconstitutional to demand a charge, it must be so to demand it whether there be a conviction or acquittal. The argument of the Attorney General he agreed in, which lays down that<sup>175</sup> in this country, where we have no Court of Criminal Appeal,<sup>176</sup> if a man be convicted upon the charge, and that the Judge is wrong in point of law, and that without the consent of a judge the question could not be raised, then there was no way in which the charge made by the judge, though wrong in law, could be claimed except by the Executive Government, and the legal and constitutional advisers of the Crown; but in order to obtain the charge, the Crown must be satisfied that the Judge did make it, and the Crown constantly applies to the Judge for it. Upon that charge the Crown exercises its prerogative of mercy. The constitutional right of demanding it is the same whether the charge is right or wrong.<sup>177</sup> The principle is right. If it is right in the Crown to ask the Judge for the charge made, surely it is right for the Executive to address the Crown.<sup>178</sup>

MR. AT. GEN. DRUMMOND.--The Crown never asks for the charge.<sup>179</sup>

MR. CAMERON.--The Crown does ask for the charge<sup>180</sup>. The Crown may ask the Judge where the conviction has been wrong upon the charge in point of law, or where he has admitted evidence which is incorrect. In any more than one case in this country, he could refer to the fact where evidence was admitted which was incorrect, and where the prisoner was pardoned upon that ground, and therefore, where the charge is to the jury upon a wrong point of law, or evidence is admitted which is wrong in point of law, the effect is just the same. Similar cases had occurred in the House of Commons. He would refer the House to them, so that it might see that it was not in questions of impeachment or of voting addresses to the Crown to remove the judge, but it was in questions where the charge of the judge has been brought into consideration and motions for committees had been made, and to refer petitions--in all which cases the motions had been entertained, and although doubts had been entertained in those cases such as were in that of Baron Smith's referred to by the Attorney General, yet men of high standing had not joined in them.<sup>181</sup> [In] the case of Judge Smith..., some of the brightest names in the English Parliament were in favour of the step which was at first taken and which was only rescinded by a majority of five. Among those who approved it were the Attorney General of England, the Solicitor General of Ireland and Lord Stanley, but the same course had been frequently adopted in England.<sup>182</sup> This went to show what the House of Commons did--it enquired into the charge of the judge where it was dissatisfied with it, or where it was desirous to set the public right upon it.<sup>183</sup> When we see men of the highest legal learning voting for committees of enquiry, we must conclude that it was not unconstitutional. The hon. gentleman then alluded to the case of Judge Fox<sup>184</sup>, which occupied the House of Commons during the years 1804, 5, and 6<sup>185</sup>, where the Lord Chancellor, and all the legal celebrities of that period agreeing (*sic*) in calling a committee of enquiry; also to the case of Abercrombie, in 1799, into whose conduct a committee of enquiry had been appointed; also, the case of Baron O'Grady, where a similar enquiry was institu[t]ed<sup>186</sup>; the case of Sir Wm. Best before he was created Lord Winthrop in 1834, [and] Baron Smith's case in 1834.<sup>187</sup> And why

were committees appointed in those cases? Becau[s]e the commoners had a right to make enquiries where they believed that wrong had been committed. As to the allegation that the charge was too trivial, originating, as it did, in a newspaper, he would cite the case of Lord Denman, who answered charges against his conduct, that had originated in the newspapers. He could also name a great many other cases of men high in office,<sup>188</sup> Mr. Justice Patterson and Baron Platt, and Mr. Justice Williams,<sup>189</sup> who answered, through the public prints, charges that had first appeared against them in those very newspapers. He alluded to these things in order to show that the judges had not thought themselves above answering charges that appeared against them in the public prints.<sup>190</sup> He would also refer to those cases of recent occurrence where judges had been requested to give their opinions, and would name the McNaughten case where the plea of insanity was set up. There the crown invited the judges to give them. It might not have been able to command them to give them, and neither an address from the House of Commons nor an impeachment from the House of Lords, would have lain against the parties.<sup>191</sup> The same thing has happened in other cases than those of Judges. Thus, the Commissioners of enquiry on J.W. McCaul were authorised to ask for evidence, though they could not compel it.<sup>192</sup> In the case of the Oxford University Commission issued a short time since, the opinion of the Attorney General and Solicitor General of England, and Lord Advocate and the present Solicitor General Bethel with regard to these enquiries held, that where any compulsory power lawfully exists in the Crown, they are authorized to execute (sic) it. Where they cannot compel information they may invite lawful means, and so on.<sup>193</sup> The Queen may ask, where she cannot command. Such, precisely, is our position here. We can ask the Crown to furnish the required charge, as there is nothing unconstitutional in asking.<sup>194</sup> If that charge is refused either because ... the Judge has not got it, or did not write it down, or that his memory cannot furnish it, then there is an end in the matter. Lord Lyndhurst endorsed this action in a Municipal Corporation Commission, and from the time of Lord Coke down to the present time, who could find that there ever was any reason to suppose that there was [no] truth in this matter, "that the Queen had asked that which she cannot command?" He (Mr. C.) was anxious as any man that the independence of judges should be preserved, and the administratton (sic) of justice be kept pure, but was there any fear of judges being injured in any way by popular caprice or by the intervention of a popular assembly or of being deterred by the Commons of Canada? No, there was no difficulty arising from such a course; and he believed that it would tend to keep the administration of justice purer. There was no desire on the part of this House to interfere with the independence of a judge, but at the same time there was an anxious desire upon its part to watch over and preserve the liberties of the subject. (Hear, hear.)<sup>195</sup> He felt that the whole people were as much interested in case of a bad acquittal as the convict in case of a bad conviction, and the same rule should apply in this case.<sup>196</sup> He was also anxious that the judge should be acquitted of the charges brought against him; but if ... the law has been wrongly administered, or if judges have been led away by public caprice or bigotry, there is but one course of action; and that is the course we are at present pursuing--a course that will keep the administration always on the side of justice. Such is the course we are endeavoring now to pursue. We can ask for the charge constitutionally, and the Crown has the power to comply with our request. The simple question, after all was, had the Crown the right to ask for the charge. And it was his (Mr. Cameron's) conviction, that it had.<sup>197</sup> He believed that if the judge had it in his power he would grant the request, and if he had it not, or desired to refuse it, the Crown may not have it in their power to command it, and it might be tbat (sic) under circumstances where the evidence is strong to show that a wrong charge was made, that other means might be taken, but there was no such question here. He



believed from his heart that he was doing the duty that he owed to his country in laying the subject before the House in this way; and in offering this motion as he did, with a view to add to the pure administration of justice in this country. (Hear, hear.)<sup>198</sup> He declined to reply to the personal observations of Mr. Felton on Friday,<sup>199</sup> in reference to himself; because he knew that painful al[t]ercations had arisen before now, from similar observations. And had he done so, he could not have entered on the subject of debate with that clear, cool perception, which was indispensable on such a subject.<sup>200</sup>

MR. AT. GEN. J.A. MACDONALD said that the cases quoted by the preceding speakers did not in his opinion apply generally. It was not his intention to go so far as his hon. and learned friend the Attorney General East, that the address would be unconstitutional<sup>201</sup>.

MR. AT. GEN. DRUMMOND.--I did not say that.<sup>202</sup>

MR. CAMERON.--I understood you to say it.<sup>203</sup>

MR. AT. GEN. J.A. MACDONALD continued by observing that the address might not be unconstitutional, but it might be highly inexpedient. This was the view he took of it, and that passing such an address could be productive of no good, and could have no tendency to promote the pure administration of justice. The learned member for Toronto had drawn an analogy between the power of the crown to obtain information in the case of the conviction of a prisoner, and this case, but he did not think the analogy held.<sup>204</sup> The Crown can call upon the Judge in case of a conviction, and where it was desirous of exercising the prerogative of mercy<sup>205</sup>, but that was because the Crown had to take specific (sic) action, and the Judges in that regard were considered the officers of the Crown. So much was this true that the Judges appeared at the opening of every Parliament, and might even be called on by the Crown to give their opinion, and enlighten the conscience of the Crown<sup>206</sup> in those cases where any subject stood in danger of being injured in person or property<sup>207</sup>. They could also be called as assessors in the House of Lords, the highest court in the realm, and they would be open to censure if they omitted to appear when summoned.<sup>208</sup> But it was his opinion, that in no other way could they be called upon, nor was it usual for them to be called upon as at present proposed, for their charges.<sup>209</sup> As a matter of fact, judges were not called upon to produce their charges, even in cases where a prisoner was convicted, and from his own experience as Attorney General he could say that in 99 cases out of 100, where judges were called to report a case, they contented themselves with sending a copy of the evidence,<sup>210</sup> and then upon that evidence the Crown can make up its own mind as to the guilt or innocence of the accused<sup>211</sup> [and] whether the conviction was right or wrong..., without troubling itself about the judge's charge. And when the crown demanded such a report, it was not for the purpose of ascertaining whether the man had been rightly or wrongly convicted, but for the purpose of deciding whether the prerogatives of mercy ought to be exercised. But the chief objection he took to the Address was its inexpediency. It could not be considered in any other light than as a censure on the Judge.<sup>212</sup> He (Mr. McD.) regretted deeply that he was absent the other night when the debate had commenced, as he was not fully aware if he rightly understood the remarks then made, but was of opinion that certain charges had been made against that judge founded upon certain statements which had been made in the newspapers that his charge to the jury on the trial in question had been contrary to the law of the land, and on this account the House is called upon for an address to the Crown for the purpose of calling upon that judge to furnish a copy of that

charge.<sup>213</sup> In his remarks on Friday, the member for Toronto had stated that if the report of the charge was correct, the charge was bad. The object of the motion must be<sup>214</sup> for the purpose of ascertaining whether the newspaper report was correct or not. And, if found to be correct, it could not be for the purpose of putting the parties on their trial again, after they had been once acquitted by a Jury of their countrymen, for even if it were discovered that the Judge's charge was wrong, that could have no effect in bringing the accused parties again before a Jury. The Addresses then could have no other object than ascertaining whether the charge was right or wrong, and if wrong, of putting a censure on the Judge, whether by public opinion or the action of this House or otherwise.<sup>215</sup> Therefore it must be obvious that no good could result from that enquiry, and but one object could be gained, which was to bring an accusation against Judge Duval, and that founded upon evidence furnished by himself, and such a course was contrary to the spirit of British justice, which did not require a man to convict himself. And a course similar to the one now proposed had been opposed in the House of Commons by the late Sir Robert Peel, who argued that when once such a principle was admitted it must be followed up by an impeachment of the Judge, and such a course would at once strike at the very root of the boasted independence of the Bench. Subsequently to the time the independence of the Judges was established, there has been no means of bringing the Judges to justice but by impeachment, or by the<sup>216</sup> joint address of the two Houses of the Legislature.<sup>217</sup> As to the statement that there was no means of impeachment in the country, that was mere verbiage, for the proceeding by address had been substituted and had taken the place of the old and clumsy mode of impeachment, formerly adopted (sic).<sup>218</sup> In all the applications to remove the Judges from the Bench, only two are to be met with in the Mother Country--the cases of Judges Johnston and Barrington. If the principle is to be established we shall place ourselves in the position of casting a censure upon the judge, and acting in contravention of the principle of the common law, calling upon a man to say that which may incriminate himself, by asking him for that charge, which, if in accordance with what has been related in the newspapers, there is nothing to prevent this House calling him to its bar. Under these circumstances, he (Mr. McD.) was of opinion that it would be inexpedient, and would be an encroachment upon the independence of the Bench, if this House sanctions the present motion for an address.<sup>219</sup>

MR. SOL. GEN. D. ROSS said he had purposely abstained from taking any part in this debate, until now, although he had been particularly appealed to by the hon. member for Lambton, as the counsel conducting the prosecution, to state his opinion, he presumed, as to the correctness or incorrectness of the charge which Judge Duval was reported to have delivered. He did not think that he could be properly called to come forward in that capacity. In voting on this motion, he ought not to have any better opportunity of forming an opinion, than any other member of the House. He ought to give his opinion simply on the newspaper account, on which the motion was based; and if he was to give any account of it himself, he should appear before the House in the capacity of a witness. He presumed the member for Lambton wanted to know what his opinion of the charge was, but, obviously, it would be very indecent in him to abuse his privilege as a member of the House, and turn the tables on the judge, in reference to a case in which he had been merely a counsel prosecuting before that judge. There was one fact, however, which he ought to state. The trial lasted sixteen or eighteen days, and, as hon. members might easily suppose, was accompanied with a great deal of fatigue, and, when his (the Sol. General's) labours had ceased, and the judge began to deliver his charge, he absented himself for twenty or thirty minutes. But the charge occupied four or five hours in the delivery, and he heard the greater portion of it, and he must say that<sup>220</sup> while he was

present, he had no recollection of any such sentiments having been propounded as were attributed to Judge Duval by the newspapers. As far as could be gathered, that charge had been strictly correct<sup>221</sup>. He did not feel called upon to say whether he believed the Judge did so charge or did not, but as a matter of fact he did not hear him. He agreed with the member for Toronto that, if the Judge did lay down the doctrine reported in the newspapers, it was a very fit subject for enquiry by this House, for he believed it was a doctrine that would be subversive of the liberties of the people. But in reference to that, he would say further, that in addressing the Jury he (the Solicitor General) laid down the doctrine contended for by the member for Toronto to the fullest extent. To guard against any misconception, and to draw out the Judge if there should happen to be any difference on the point, he told the Jury that all his opinions on points of law were subject to correction by the Court. And more than that he told them that if the Court were silent, in that case they were bound to take his (the Solicitor General's) propositions as correct. He did this for the purpose of preventing any misapprehension, and what he said amounted in fact to a challenge to the Judge to give his opinion on that particular point. If the Judge had been of a contrary opinion, he thought he would have made it a point to correct the statements he had made in his presence, and from his not having done so he might be led to believe that he had not laid down the contrary doctrine at all. He was glad that the discussion was being conducted in a calm spirit, for discussions of that kind could do no harm. But the hon. member for Toronto could not expect that his address would be carried--not because the Government could not make the demand, but because manifestly no answer could be given to it. It would be asking for a charge which could not be obtained. The charge was nowhere--mere wind; and to ask the judge for what he was unable to give appeared to be a species of mockery. The hon. gentleman had now attained his object by producing a fair discussion, and he hoped it would conclude without any manifestation of party feeling. They knew how strongly people outside felt on these matters, on matters of religion, although in reality religion had nothing to do with the matter. It was generally supposed to have had something to do with the differences between two religious bodies in this country, but he must say that he had seen nothing to warrant that conclusion. But, if that was the belief out of doors, whether ill-founded or well-founded, he hoped every hon. member would see the propriety of doing nothing to fan the flame, but would rather try to allay it. The object of the hon. member for Lambton was to get his (the Solicitor General's) opinion of the Judge's charge, but every one must see that if he were to give his opinion of the correctness or incorrectness of that charge, he would have to go into the whole case and fight the battle over again. He stood there in the position of a defeated party, and would it be right, would it be decent in him to abuse the privilege of the seat he now held to sit in judgment on the charge of that judge?<sup>222</sup> Such course he could not take, and he had only on the floor of that House to deal with the question just as any other member, and he had only to assure the House that such part of the charge as he had heard did not contain what had been stated in the papers<sup>223</sup>. Hon. members could easily appreciate his reasons for abstaining from either approving or sustaining the charge. It had been said that the Judge could not have made the statement he was reported to have made, in his (the Solicitor General's) presence, without its having arrested his attention. He was not sure of that. He did not know whether it would have arrested his attention or not. He hoped nothing more would be expected of him. If he were to go further, he might perhaps fall into the mistake of mixing up reports of newspapers with his own recollections, and thus be led into giving an erroneous statement.<sup>224</sup> He should oppose the motion, believing that it was not expedient to go into the enquiry.<sup>225</sup>



MR. FERRIE could not see how the truth could be arrived at, except by asking the judge for his charge, and failing that, by accepting the newspaper report as correct. He should vote for the address.<sup>226</sup>

MR. O'FARRELL regretted that the nature of the motion was such as to prevent his going now into the details of the trial. But it appeared to him that any one who had heard the evidence and had seen the manner of the witnesses while giving their evidence, would have formed a very different impression of the trial from that which had gone abroad<sup>227</sup>, so different was the report of the trial from the evidence given in court.<sup>228</sup>

MR. SICOTTE the SPEAKER.--Order! Let the hon. gentleman speak to the question.<sup>229</sup>

MR. O'FARRELL said he had mentioned that to show that it was unfair both to judge and jury to predicate anything on newspaper reports.--He would state one fact bearing on this. The reporter had been very busy during Mr. Alleyn's address, and seemed to have bestowed great attention on it, and when he concluded he handed<sup>230</sup> Mr. Alleyn the notes of his speech for correction, when to the great astonishment of his learned friend, they made the discovery that Mr. Alleyn, although defending these seven men, had made the admission that they were guilty of manslaughter. So much for the accuracy of newspaper reports. But not only were they inaccurate in stating what was taken, but<sup>231</sup> to his certain knowledge whole pages of evidence had been omitted from the notes, the young gentlemen who were coming to report having tarried half an hour at a tavern on the way.<sup>232</sup>

MR. SICOTTE the SPEAKER.--Order!<sup>233</sup>

MR. O'FARRELL said he mentioned this to show the nature of the ground on which Mr. Cameron had based his motion, and as a reason why the House should pause. He had also compared the notes of one of those young gentlemen with the notes of a gentleman who was particularly accurate, and he found that in every case where there was a contradiction in the evidence for the crown<sup>234</sup>, that contradiction was either omitted or slurred over, so that a person reading the evidence of the trial as published in the papers had no idea whatever of the actual facts. Before asking for a copy of this charge the hon. member for Toronto should bring something tangible before them from some members from that part of the country, who were so anxious to see the fountains of justice kept pure. Some of those hon. gentlemen ought to have the nerve to come boldly forward and impeach the learned (sic) Judge. Until they did that, it would be injustice in this House, on a mere newspaper report to place the Judge in such a position.<sup>235</sup> He could add also his own personal testimony on the point to that of the member for Quebec. He was present during the delivery of the charge, and certainly paid particular attention to it because on it would depend in a great measure the lives of seven men whom he had been retained to defend, and he could say that the judge laid down no such principle of law, in any portion of his charge, as that set forth in the newspaper reports.<sup>236</sup> He would say nothing of himself, but he would say that when they had the testimony of his hon. friend from Quebec (Mr. Alleyn) that no such charge was given, they should pause before granting the motion of the hon. member for Toronto.<sup>237</sup>

MR. BELLINGHAM was of opinion that the great error lay in Government not sending a special Reporter to all such trials, as they do in England, in order that they may

have a correct account of the evidence and the charges that are delivered. Had such been done on the present occasion, all this discussion would have been avoided.<sup>238</sup> Ere long he expected the reporting could be done perfectly by a new instrumentality, and with wondrous speed, by means of House's Printing Telegraph. He believed the newspapers had been deceived, and that no good could result from this motion.<sup>239</sup> [He] was glad to hear the statements made by Messrs. Alleyn and O'Farrell in defence of a most accomplished Judge.<sup>240</sup>

MR. J.S. MACDONALD said all the hon. members who had spoken, seemed to regard the character of a judge in its proper light. But there must be a time when this House would take cognizance of a judge charged with omission of duty. The judge in the present instance is accused of omitting to charge the jury that they might find for manslaughter, if not for the graver offence.<sup>241</sup> [He] considered there was sufficient ground for the motion in a case like this, where parties accused of murder had escaped, and where so serious a charge was preferred against the judge as that he had assisted in letting them escape. It had been spoken of as an extraordinary thing to bring the conduct of judges before the Legislature.<sup>242</sup> But it was not a singular thing for a Lower Canada judge to be accused of impropriety. (Hear, hear.) If they turned to the history of Lower Canada Legislation, they would find that<sup>243</sup> before the union, the exception had been the case of a judge not being brought before the Legislature. Scarcely a year had passed in the Lower Canadian Parliament, that some judge had not to undergo an investigation before a committee, and addresses were sent to the Government to dismiss judges.<sup>244</sup> The hon. gentleman here named several of the Judges who had been so examined--and said that the last act of the Lower Canada Legislature in 1836, was in regard to Chief Justice Bowen. They say "that grave and serious charges were brought against him, and they could not forego the conclusion that the charges were true."<sup>245</sup>

MR. AT. GEN. DRUMMOND.--The Independence Act was not ... passed at that time.<sup>246</sup>

MR. J.S. MACDONALD admitted that fact, but he thought there ought still to be some means in the hands of the House for watching over the administration of justice.<sup>247</sup> It was ... all very well to say that the Independence Act secured the judges from interference;<sup>248</sup> but, if the community felt that there was good ground for a charge, he would like to know how they were to approach those dignitaries. Was not this the high court of Parliament where they had a right to inquire into those matters?<sup>249</sup> His hon. and learned friend the member for Toronto said he did not believe the charges made against the judge, yet he made his motion. And when they put themselves in the position of asking the judge whether he delivered such a charge as was stated in the newspapers; if the learned judge denies he did so they should be contented to let the matter rest there. It would, in his opinion, be unfair to take any further steps. No one denies the right of the House to ask this charge, although some doubts are entertained as regards the expediency of asking it. But if all concurred in sustaining the conduct and the capacity of the judge, where was the harm<sup>250</sup> of giving the Judge an opportunity of saying yes, or no, to the question whether he had delivered such a charge. If he had delivered a proper charge, he would state so to the Executive, and there would be an end of it.<sup>251</sup> Did they think the public outside who have been excited to a degree scarcely known in respect to any former trial in this country, would be satisfied with any technical grounds for refusing to ask this charge when they laid down the constitutional right to do so. He thought not. They may be refused the address; but if they refused to ask it, it might be said they were endeavouring to stifle enquiry upon a subject

upon which the community at large are very desirous to be informed. For these reasons he would vote for the motion.<sup>252</sup>

The motion was then put and carried<sup>253</sup>.

(132)

*And the Question being put; the House divided; and the names being called for, they were taken down, as follow:--*

(133)

YEAS.

*Messieurs Aikins, Bell, Bellingham, Biggar, Burton, Cameron, Christie, Church, Cook, Crawford, Daly, Darche, DeLong, DeWitt, Jean B.E. Dorion, Dufresne, Ferres, Ferrie, Frazer, Freeman, Gamble, Gould, Hartman, Larwill, Lumsden, Lyon, Macbeth, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Mattice, Merritt, Murney, Patrick, Poulin, Powell, Rankin, Rhodes, Rolph, Scatcherd, Shaw, Somerville, Wilson, Wright, Yeilding, and Young.--(48.)*

NAYS.

*Messieurs Alleyn, Bourassa, Brodeur, Bureau, Cartier, Casault, Chapais, Clarke, Charles Daoust, Jean B. Daoust, Desaulniers, Dionne, Antoine A. Dorion, Dostaler, Attorney General Drummond, Evanturel, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Attorney General Macdonald, Marchildon, Masson, Meagher, O'Farrell, Papin, Polette, Pouliot, Prévost, Price, Solicitor General Ross, James Ross, Solicitor General Smith, Spence, Thibaudeau, and Turcotte.--(44.)*

*So it was resolved in the Affirmative.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.<sup>254</sup>*

*Then, on motion of the Honorable Mr. Cartier, seconded by the Honorable Mr. Attorney General Drummond,*

*The House adjourned.<sup>255</sup>*



[NOTICE OF MOTION FOR RESOLUTIONS RE: QUEBEC AND FORTEAU BAY TELEGRAPH.]

MR. YOUNG [gave notice that he would move] the following resolutions...:

1st. That the advantages possessed by this Province over other parts of the American Continent in her geographical position, offer the highest facilities for the transmission of intelligence between Europe and America in the shortest possible time throughout the year.

2nd. That to obtain this object it is desirable that encouragement should be given to some of the existing Telegraph Companies to extend a line of electric wire from Quebec to Forteau Bay, in the straits of the Belle Isle, a distance of 705 miles, whereby a saving of time in the transmission of intelligence (*sic*) might be secured of from 48 to 60 hours over what is now attainable by any other route.

3rd. That to secure the like advantage in the winter season, or when it is deemed advisable for ships to go south of Newfoundland, it is desirable that the Government of Newfoundland should be solicited to aid in constructing a continuation of the proposed Telegraphic Line from Forteau Bay to St. John's, where the steamers to and from Portland could touch, and from whence their news could be immediately transmitted to Quebec and other parts of the Province.

4th. That the foregoing Resolutions be communicated to His Excellency the Governor General by Address, with a request that he will be pleased to take the necessary steps for giving effect to the same, assuring His Excellency that this House will make good any expenses that may be incurred in the promotion of this important result.<sup>256</sup>

[QUESTION AND ANSWER RE: SETTLEMENT OF THE EASTERN TOWNSHIPS.]

MR. O. FORTIER enquired of the Ministry "whether it is their intention during the present Session, to increase the grant for the encouragement of settlements in the Eastern Townships?"<sup>257</sup>

MR. AT. GEN. DRUMMOND said, the matter was under the consideration of the Government.<sup>258</sup>

[QUESTION AND ANSWER RE: PIER IN THE PARISH OF ST. MICHEL]

MR. O. FORTIER enquired of the Ministry "whether it is their intention during the present Session, to make an appropriation for the construction of a Pier in the Parish of St. Michel, in the County of Bellechasse?"<sup>259</sup>

MR. COM. PUB. WORKS LEMIEUX said, that it was not possible to answer the enquiry at present.<sup>260</sup>

[QUESTION AND ANSWER RE: MUNICIPAL LOAN FUND.]

MR. AIKINS enquired of the Ministry whether it is their intention to enforce payment of the interest already due on Loans effected by municipalities from the Municipal Loan Fund?<sup>261</sup>

MR. AT. GEN. DRUMMOND said it was undoubtedly the intention of the Ministry to enforce payment of whatever is due by Municipalities to this fund<sup>262</sup> (hear, hear)<sup>263</sup>. He was happy to say that in Upper Canada that interest was coming in very rapidly.<sup>264</sup>

[WITHDRAWN MOTION FOR AN ADDRESS RE: PRIVY COUNCIL.]

MR. C. DAOUST moved for an Address to Her Majesty, praying that she will be graciously pleased to recommend that a Bill be submitted to the Imperial Parliament to repeal, in so far as it concerns this Province, an Act of the Imperial Parliament passed in the Session holden in the 7th and 8th years of Her Majesty's Reign, entitled, "An Act amending an Act passed in the 4th year of the Reign of His Majesty, entitled, 'An Act for the better administration of Justice in His late Majesty's Privy Council, and to extend its jurisdiction and power,' " and all other Acts and parts of Acts, passed from time to time by the Imperial Parliament, authorizing an appeal to Her Majesty in Council from the Courts of Justice of any Colony of Great Britain.

The hon. gentleman called the attention of the Attorney General to the matter, and desired to know if the Government was prepared to make any statement on the subject?<sup>265</sup>

MR. AT. GEN. DRUMMOND replied, that it was wasting time to enter into discussion upon it, as he thought the opinion of the House had been very distinctly pronounced upon it.<sup>266</sup> There were very few who were not in favor of limiting the right of appeal to England so far as Lower Canada was concerned. But this notice applied to Upper Canada as well, while in Upper Canada<sup>267</sup> the same objections to the measure do not exist as in regard to Lower Canada, and perhaps there were cases in which it would be desirable that the power should be retained. Now he was prepared to say, that the Government will take up the matter, and will place themselves in communication with the Colonial Office upon this subject. It was desirable first to ascertain as between the officers of the Crown for Upper and Lower Canada, to what extent either section of the Province might be relieved from the necessity of those appeals to England, and then to endeavour to have such action taken by the Imperial Parliament as will leave the way clear for the judicial changes which the Government have in contemplation during the next Session. He trusted that this explanation would satisfy his hon. friend, and that he would not press his motion for the Address in the form in which it now stood.<sup>268</sup>

MR. C. DAOUST asked if the Government were not prepared at once to dispose of this matter.<sup>269</sup>

MR. AT. GEN. DRUMMOND said it was absolutely necessary that it should be well deliberated. The Government were not in a position now to act.<sup>270</sup>

MR. A. DORION considered that the declaration that the Lower Canada members of Government are in favor of restricting the right of appeal so far as Lower Canada is concerned, was quite enough, he thought, to induce his hon. friend to withdraw his motion.<sup>271</sup> The best way would be to take the vote of the whole country upon the proposed change.<sup>272</sup>

MR. C. DAOUST withdrew the motion.<sup>273</sup>

[WITHDRAWN MOTION RE: MILITIA PENSIONS.]

MR. MERRITT moved, to refer the petition[s] of Lewis Clement, Peter Lampman and Adam Stull, praying for the amendment of the act 2 George IV., cap. 4, sec. 2, and for payment of back pensions, to a committee consisting of the Hon. Sir Allan McNab and Messrs. Morrison, Frazer and Freeman, with power to send for persons and papers.<sup>274</sup>

MR. SOL. GEN. H. SMITH said that he was acquainted with the case of Lewis Clement, whose name was off the pension list for the last twenty years.<sup>275</sup> The claim of Lewis Clement was for the arrears of 30 years, and in direct opposition to the Act of Parliament which provided that militiamen who sent in their claims after 1833 should only be paid from the date of their applications. He supposed it was the same with the other petitioners, and the House should pause before agreeing to a motion which would involve the expenditure of a large sum of money.<sup>276</sup> The Government were not prepared to take action in the matter. If these petitions were granted other persons would come and petition the House for pensions since the last war.<sup>277</sup>

MR. MERRITT said that the petitioner Clement was wounded on the Niagara Frontier but<sup>278</sup> voluntarily refused to ask the pension--being then well off. But since then he had grown old and poor and absolutely needed this pension. He did not think there could be a more reasonable request than this, which merely required that the pensioners of Upper and Lower Canada should be placed on an equal footing.<sup>279</sup> But as he saw that the Government could vote it down, he would withdraw his motion.<sup>280</sup>

MR. PROV. SEC. CARTIER said the hon. gentleman had misstated the law of Lower Canada respecting the granting of pensions. By that law no militiamen (sic) able to work receive any pension. If they were incapable of earning a livelihood, and had made application in 1833, when the fund was first established--then a pension would have been granted. No pensions had been granted militiamen applying since that year. The law further provides that a militiaman receiving a pension could be deprived of his pension if it were shown that he was capable of earning a livelihood. His object in making this explanation was to show that no preference had been given to militiamen in Lower Canada above those in Upper Canada.<sup>281</sup>

The motion was then withdrawn.<sup>282</sup>

[WITHDRAWN MOTION FOR AN ENQUIRY RE: APPROPRIATION FOR NORMAL SCHOOLS.]

MR. HARTMAN moved for an enquiry of Ministry whether the Government intended to increase the approximation (sic) made in favor of Education, so as to provide for the establishment of Normal Schools in the Province, and for the adequate remuneration of school teachers.<sup>283</sup>

MR. AT. GEN. DRUMMOND said that this motion ought to be struck off, as it was already answered.<sup>284</sup>

The motion was accordingly withdrawn.<sup>285</sup>



FOOTNOTES: 10 MARCH 1856.

1. GLOBE, 11 March 1856, reports the following information on this petition: "A petition from some 800 citizens of Toronto was presented by Mr. Christie, in the absence of Mr. Brown, praying for enquiry into the Corrigan murder case. These names were all signed in a single day."
2. GLOBE, 11 March 1856, specifies that the petitioners are "asking Parliament to refuse all applications for lines of railway to compete with the extension now authorised to be constructed by them".
3. GLOBE, 11 March 1856, TORONTO DAILY LEADER, 11 March 1856, and PERTH COURIER, 21 March 1856, all report that Mr. H. Smith introduced this Bill. In addition, HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856, in a commentary, points out that Mr. MacNab was absent from the House. GLOBE, 11 March 1856, and TORONTO DAILY LEADER, 11 March 1856, also specify that the purpose of this incorporation act is "to construct a railway from Galt to the waters of Lake Huron", and that it is to be read a second time on "Thursday next".
4. The exact object of this Bill is to incorporate the Town of Sydenham under the name of "the Town of Owen Sound", as per a petition from inhabitants of Sydenham presented on the 28th February 1856.
5. GLOBE, 11 March 1856.
6. IBID.
7. TORONTO DAILY LEADER, 11 March 1856.
8. GLOBE, 11 March 1856.
9. IBID.
10. IBID.
11. TORONTO DAILY LEADER, 11 March 1856.
12. GLOBE, 11 March 1856.
13. IBID.
14. TORONTO DAILY LEADER, 11 March 1856.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. GLOBE, 11 March 1856.
20. TORONTO DAILY LEADER, 11 March 1856.
21. GLOBE, 11 March 1856.
22. IBID.
23. IBID.
24. IBID.
25. GLOBE, 11 March 1856. LE PAYS, 20 March 1856, provides a short commentary on this debate.
26. TORONTO DAILY LEADER, 11 March 1856.
27. IBID.
28. GLOBE, 11 March 1856.
29. IBID.
30. IBID.
31. TORONTO DAILY LEADER, 11 March 1856.
32. MONTREAL GAZETTE, 12 March 1856.
33. TORONTO DAILY LEADER, 11 March 1856.
34. GLOBE, 11 March 1856.
35. IBID.
36. IBID.
37. IBID.

38. GLOBE, 11 March 1856.
39. TORONTO DAILY LEADER, 11 March 1856.
40. GLOBE, 11 March 1856.
41. TORONTO DAILY LEADER, 11 March 1856.
42. IBID.
43. GLOBE, 11 March 1856.
44. TORONTO DAILY LEADER, 11 March 1856.
45. GLOBE, 11 March 1856.
46. LA MINERVE, 22 March 1856.
47. IBID.
48. IBID.
49. GLOBE, 11 March 1856.
50. LA MINERVE, 22 March 1856.
51. TORONTO DAILY LEADER, 11 March 1856.
52. GLOBE, 11 March 1856.
53. TORONTO DAILY LEADER, 11 March 1856.
54. GLOBE, 11 March 1856.
55. TORONTO DAILY LEADER, 11 March 1856.
56. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
57. GLOBE, 11 March 1856.
58. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
59. GLOBE, 11 March 1856.
60. TORONTO DAILY LEADER, 11 March 1856.
61. GLOBE, 11 March 1856.
62. LA MINERVE, 22 March 1856.
63. IBID.
64. IBID.
65. IBID.
66. LA MINERVE, 22 March 1856. This newspaper also reports a commentary deprecating Mr. Bureau's speech.
67. LA MINERVE, 22 March 1856.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. GLOBE, 11 March 1856.
73. TORONTO DAILY LEADER, 11 March 1856.
74. Reports of this division differ greatly from one newspaper to another. TORONTO DAILY LEADER, 11 March 1856, PERTH COURIER, 21 March 1856, and LE PAYS, 20 March 1856, all concur with the JOURNALS and report the motion was lost on a division of 37 Yeas to 62 Nays. None of these accounts, however, list the names of the voting members.

The division of 36 Yeas to 62 Nays reported in GLOBE, 11 March 1856, differs from the JOURNALS' in two instances: while displacing Dr. Masson's name from the Yeas to the Nays, it also omits Mr. S. Smith from the Nays. LA MINERVE, 22 March 1856, and L'AVENIR, 28 March 1856, which both report a vote of 36 Yeas to 63 Nays, simply list Dr. Masson's name in the Nays. Finally, MONTREAL GAZETTE, 12 March 1856, reports a division of 37 Yeas to 63 Nays, with no further specifications.

LE PAYS, 20 March 1856, and L'AVENIR, 28 March 1856, both provide a short commentary on this motion.

75. TORONTO DAILY LEADER, 11 March 1856.
76. GLOBE, 11 March 1856.

77. TORONTO DAILY LEADER, 11 March 1856.
78. GLOBE, 11 March 1856.
79. IBID.
80. IBID.
81. TORONTO DAILY LEADER, 11 March 1856.
82. IBID.
83. IBID.
84. GLOBE, 11 March 1856.
85. TORONTO DAILY LEADER, 11 March 1856. Newspapers reporting this debate all differ from one another as to the order of speakers. The sequence of speeches reported by TORONTO DAILY LEADER, 11 March 1856, was adopted to reconstruct the debate as this newspaper provides a more complete coverage of the discussion. The discrepancies are still noted in the pertaining footnotes for the reader's interest.
86. GLOBE, 11 March 1856. According to this newspaper, Mr. Hartman spoke after the first resolution was adopted, and more particularly "on the second resolution being moved".
87. TORONTO DAILY LEADER, 11 March 1856.
88. GLOBE, 11 March 1856.
89. TORONTO DAILY LEADER, 11 March 1856.
90. IBID.
91. IBID.
92. GLOBE, 11 March 1856.
93. TORONTO DAILY LEADER, 11 March 1856.
94. IBID.
95. TORONTO DAILY LEADER, 11 March 1856. According to GLOBE, 11 March 1856, Mr. DeWitt spoke before Mr. Felton moved to amend the 2nd resolution.
96. GLOBE, 11 March 1856.
97. PERTH COURIER, 21 March 1856.
98. GLOBE, 11 March 1856. TORONTO DAILY LEADER, 11 March 1856, reports a similar statement which it attributes to Mr. A. Dorion and which is reconstructed as footnote 109, respecting the sequence of speeches reported by this newspaper. Both speeches are included as it is impossible to affirm which newspaper is correct.
99. TORONTO DAILY LEADER, 11 March 1856.
100. GLOBE, 11 March 1856.
101. IBID.
102. IBID.
103. TORONTO DAILY LEADER, 11 March 1856.
104. MORNING CHRONICLE, 15 March 1856.
105. TORONTO DAILY LEADER, 11 March 1856.
106. GLOBE, 11 March 1856. TORONTO DAILY LEADER, 11 March 1856, reports that Dr. Fortier, "in reply, descanted in a very jocular strain, upon the peculiarities of the member for Haldimand, and the irreligious proclivities of his Message."
107. TORONTO DAILY LEADER, 11 March 1856.
108. IBID.
109. TORONTO DAILY LEADER, 11 March 1856. The similarity of this speech to a statement imputed by GLOBE, 11 March 1856, to Mr. Mackenzie was already pointed out in footnote 98. It should be noted that this speech seems to be in direct answer to Mr. Felton's assertions (see footnote 108).
110. TORONTO DAILY LEADER, 11 March 1856.
111. GLOBE, 11 March 1856.



112. GLOBE, 11 March 1856.
113. TORONTO DAILY LEADER, 11 March 1856.
114. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
115. TORONTO DAILY LEADER, 11 March 1856.
116. IBID.
117. GLOBE, 11 March 1856.
118. TORONTO DAILY LEADER, 11 March 1856.
119. IBID.
120. GLOBE, 11 March 1856.
121. PERTH COURIER, 21 March 1856.
122. TORONTO DAILY LEADER, 11 March 1856.
123. GLOBE, 11 March 1856.
124. IBID.
125. IBID.
126. PERTH COURIER, 21 March 1856.
127. TORONTO DAILY LEADER, 11 March 1856.
128. IBID.
129. PERTH COURIER, 21 March 1856.
130. GLOBE, 11 March 1856.
131. IBID.
132. PERTH COURIER, 21 March 1856.
133. GLOBE, 11 March 1856.
134. IBID.
135. IBID.
136. IBID.
137. TORONTO DAILY LEADER, 11 March 1856.
138. IBID.
139. IBID.
140. PERTH COURIER, 21 March 1856. MACKENZIE'S WEEKLY MESSAGE, 14 March 1856, reports that "all the members of the executive council voted against Mr. Hartman's amendment". WESTERN PLANET, 20 March 1856, points out that the amendment was supported by "many of the Lower Canadian members".

GLOBE, 17 March 1856, reports a long commentary on the subject of prohibition, which also offers some remarks on Mr. Hartman's resolution. It states: "There is an important argument against the arrangement proposed by Mr. Hartman, in the facility which the liberty to sell in Lower Canada would give to the breakers of the law in the Upper Province. Entirely unrestricted traffic goes between the two sections, and there would be no means of preventing the importation of liquor from one to the other. Montreal would be a mart for all the eastern parts of Upper Canada; the liquor traffic in that city would be enormous; our western grain would be manufactured into whiskey there, and returned to us in a hundred different secret ways." PERTH COURIER, 21 March 1856, offers a similar opinion, as follows: "The probability ... is that a Maine Law for Upper Canada may be passed this session, but being confined to one portion of the Province will materially lessen its effects, as Liquor in any quantities can be procured by just crossing the imaginary boundary line that Separates the two Provinces.--We dislike this narrow sectional legislation on a grave question like this.--There should either be a Maine Law for the entire Province, or a Stringent License Law for the entire Province, and not a mere tampering with half measures such as those proposed."
141. GLOBE, 11 March 1856.
142. IBID.
143. TORONTO DAILY LEADER, 11 March 1856.

144. GLOBE, 11 March 1856.
145. TORONTO DAILY LEADER, 11 March 1856.
146. GLOBE, 11 March 1856.
147. TORONTO DAILY LEADER, 11 March 1856.
148. GLOBE, 11 March 1856. According to LA MINERVE, 22 March 1856, which is otherwise a translation of the report found in the Globe, Mr. Drummond made a more elaborate statement, as follows: "Nous laisserons-nous arrêter par de simples mots, et le dard en sera-t-il moins aigu parce qu'il sera caché sous dorure? De quelques mots que l'on se serve, demandez au juge Duval une copie de son résumé des débats, n'est-ce pas mettre en doute la rectitude de l'opinion qu'il a émise? et qu'est-ce qu'un procès, sinon un doute, sur la culpabilité d'une personne, doute qu'il s'agit de vérifier? Vouloir donc éclaircir les doutes qui se sont élevés contre le juge Duval, c'est en réalité lui faire son procès."
149. TORONTO DAILY LEADER, 11 March 1856.
150. GLOBE, 11 March 1856.
151. TORONTO DAILY LEADER, 11 March 1856.
152. GLOBE, 11 March 1856.
153. TORONTO DAILY LEADER, 11 March 1856.
154. GLOBE, 11 March 1856.
155. TORONTO DAILY LEADER, 11 March 1856.
156. GLOBE, 11 March 1856.
157. TORONTO DAILY LEADER, 11 March 1856.
158. GLOBE, 11 March 1856.
159. TORONTO DAILY LEADER, 11 March 1856.
160. GLOBE, 11 March 1856.
161. TORONTO DAILY LEADER, 11 March 1856.
162. IBID.
163. GLOBE, 11 March 1856.
164. TORONTO DAILY LEADER, 11 March 1856.
165. GLOBE, 11 March 1856.
166. TORONTO DAILY LEADER, 11 March 1856.
167. GLOBE, 11 March 1856.
168. TORONTO DAILY LEADER, 11 March 1856.
169. IBID.
170. IBID.
171. IBID.
172. MONTREAL GAZETTE, 12 March 1856.
173. TORONTO DAILY LEADER, 11 March 1856.
174. MONTREAL GAZETTE, 12 March 1856.
175. GLOBE, 11 March 1856.
176. TORONTO DAILY LEADER, 11 March 1856.
177. GLOBE, 11 March 1856.
178. TORONTO DAILY LEADER, 11 March 1856.
179. IBID.
180. IBID.
181. GLOBE, 11 March 1856.
182. MONTREAL GAZETTE, 12 March 1856. GLOBE, 11 March 1856, reports a similar statement, but with some noticeable differences: "In a case that occurred in 1834, the Attorney Generals of England and Ireland voted in favour of such a committee together with Earl Derby, and men whose names were bright among legal records." It is difficult to ascertain whether or not this statement refers to a different case than that of Baron Smith's.

183. GLOBE, 11 March 1856.
184. TORONTO DAILY LEADER, 11 March 1856.
185. GLOBE, 11 March 1856.
186. TORONTO DAILY LEADER, 11 March 1856.
187. GLOBE, 11 March 1856.
188. TORONTO DAILY LEADER, 11 March 1856.
189. GLOBE, 11 March 1856.
190. TORONTO DAILY LEADER, 11 March 1856.
191. GLOBE, 11 March 1856.
192. MORNING CHRONICLE, 14 March 1856.
193. GLOBE, 11 March 1856.
194. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
195. GLOBE, 11 March 1856.
196. MONTREAL GAZETTE, 12 March 1856.
197. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
198. GLOBE, 11 March 1856.
199. MONTREAL GAZETTE, 11 March 1856.
200. TORONTO DAILY LEADER, 11 March 1856.
201. IBID.
202. GLOBE, 11 March 1856.
203. IBID.
204. IBID.
205. TORONTO DAILY LEADER, 11 March 1856.
206. MONTREAL GAZETTE, 12 March 1856.
207. TORONTO DAILY LEADER, 11 March 1856.
208. GLOBE, 11 March 1856.
209. TORONTO DAILY LEADER, 11 March 1856.
210. GLOBE, 11 March 1856.
211. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.
212. GLOBE, 11 March 1856.
213. TORONTO DAILY LEADER, 11 March 1856.
214. MONTREAL GAZETTE, 12 March 1856.
215. GLOBE, 11 March 1856.
216. TORONTO DAILY LEADER, 11 March 1856.
217. WESTERN PLANET, 17 March 1856.
218. MONTREAL GAZETTE, 12 March 1856.
219. TORONTO DAILY LEADER, 11 March 1856.
220. GLOBE, 11 March 1856.
221. TORONTO DAILY LEADER, 11 March 1856.
222. GLOBE, 11 March 1856.
223. TORONTO DAILY LEADER, 11 March 1856.
224. GLOBE, 11 March 1856.
225. TORONTO DAILY LEADER, 11 March 1856.
226. GLOBE, 11 March 1856.
227. IBID.
228. TORONTO DAILY LEADER, 11 March 1856.
229. GLOBE, 11 March 1856.
230. IBID.
231. TORONTO DAILY LEADER, 11 March 1856.
232. GLOBE, 11 March 1856.
233. IBID.
234. IBID.
235. TORONTO DAILY LEADER, 11 March 1856.



236. GLOBE, 11 March 1856.  
237. TORONTO DAILY LEADER, 11 March 1856.  
238. IBID.  
239. GLOBE, 11 March 1856.  
240. MONTREAL GAZETTE, 12 March 1856.  
241. TORONTO DAILY LEADER, 11 March 1856.  
242. GLOBE, 11 March 1856.  
243. TORONTO DAILY LEADER, 11 March 1856.  
244. GLOBE, 11 March 1856.  
245. TORONTO DAILY LEADER, 11 March 1856.  
246. GLOBE, 11 March 1856.  
247. MONTREAL GAZETTE, 12 March 1856.  
248. HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856.  
249. GLOBE, 11 March 1856.  
250. TORONTO DAILY LEADER, 11 March 1856.  
251. GLOBE, 11 March 1856.  
252. TORONTO DAILY LEADER, 11 March 1856.  
253. IBID.  
254. GLOBE, 11 March 1856, provides the following commentary on this debate: "The ministry were defeated last night ... on Mr. Cameron's motion in relation to the Corrigan case. The Government made a strong fight against the resolution, the two Attorneys General spoke at great length on the subject, having prepared themselves with cases from the books to refute the member for Toronto; Mr. O'Farrell, Mr. Bellingham, and Solicitor General Ross were pressed into the service, but all was of no avail. The debate was spiritedly maintained by the Opposition, and at half-past eleven, the vote was taken. The Upper Canadians behind the ministerial benches, who have hitherto voted with the Government, rose promptly when the Speaker called for the yeas, and the fate of the ministry was finally sealed when Mr. Cameron's phalanx poured in its fire.... The victory was complete, and after a short pause, during which each minister tried to appear engaged in writing earnestly, Mr. Drummond hurriedly moved the adjournment of the House." LA MINERVE, 19 March 1856, in a commentary, reports the following information: "Le vote ... paraît avoir causé une surprise générale, non seulement dans le public, mais dans l'enceinte même de la Chambre, et aucun de ses membres n'en a été plus surpris que M. Cameron lui-même." Similar information is also reported in TORONTO DAILY LEADER, 2 April 1856, which translates a commentary originally reported in Le Journal de Québec: "Every one was taken by surprise--animated groups formed in the galleries, in the corridors, in the Hall; in all the offices each one was lost in conjecture, each one made his own, the members, the journalists, the clerks of the House, the carriers--and even the mace-bearer who watches at the entrance of the hall, was not exempt."

MONTREAL GAZETTE, 18 March 1856, expresses the following point of view on the event: "Had Mr. Cameron proposed an address, calling the attention of Government to the acquittal under such circumstances, and asking for an investigation of the affair at its hands, and the laying before the House [of] such information as it might have had its power to furnish, nearly the whole House might have concurred in the proposition, and the Government would not probably have afforded it any opposition. He chose, however, to adopt another course quite independently of the views of anybody but himself, and has succeeded, I fancy, even beyond his own anticipations."

LE PAYS, 20 March 1856, comments on the vote, as follows: "La division est une des plus singulières possibles, considérée au point de vue des partis

politiques qui composent l'assemblée législative. Le ministère en masse a voté contre. Tous les membres du Haut-Canada, hors de l'administration, tant amis qu'adversaires du gouvernement, ont voté pour la motion, à l'exception de deux, MM. Clarke et James Ross. Dans le Bas-Canada tous les amis du ministère ont voté contre, à l'exception de quatre, MM. Poulin, Dufresne, Bellingham et Somerville; et les membres de l'opposition ont voté contre, à l'exception aussi de quatre, MM. Young, DeWitt, J.B.E. Dorion et Darche." HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856, also remarks that "the defeat, if such it can be called, was one of those strange freaks which are occasionally played off in the House of Assembly in the form of a general admixture of the various parties, which when analysed is shewn to be a complete jumble of the most discordant political elements." MONTREAL GAZETTE, 12 March 1856, expresses a similar opinion when it reports: "Many of the usual supporters of Ministers voted against them; many of their usual opponents, and especially the Rouges, voted with them." It then attempts to explain the division, as follows: "This fact may be taken as conclusive proof that there was nothing Ministerial, as it is commonly termed, involved in the motion. In other words, members voted from their convictions, free from considerations of party: hence the scattering."

Finally, MACKENZIE'S WEEKLY MESSAGE, 14 March 1856, reports a commentary signed by Mr. Mackenzie himself, in which he includes the following list of absentees: "During the vote on Monday, Mr. Cayley ... absented himself--so did Conger, Crysler, Munro, Jackson, Southwick, James and Sidney Smith, Chisholm, Roblin, Niles, the brothers Morrison, Stevenson, Galt, and Robinson. Why? Messrs. Brown, Foley, Flint, and Fergusson were absent from Toronto." In addition, HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1856, points out that Messrs. MacNab and Cauchon were absent from the division.

Additional commentaries on today's event are reported in LE PAYS, 13 March 1856, MACKENZIE'S WEEKLY MESSAGE, 14 March 1856, MONTREAL GAZETTE, 17 March 1856, WESTERN PLANET, 17 March 1856, and LA MINERVE, 22 March 1856. Other commentaries are listed in the footnotes of the 11th and 13th March 1856, many of which offer a thorough examination of the "ministerial crisis" that was triggered by today's defeat of the Ministry, and the follow-up debate that occurred in the House.

255. According to GLOBE, 11 March 1856, and TORONTO DAILY LEADER, 11 March 1856, the House adjourned at half past eleven.
256. MONTREAL GAZETTE, 15 March 1856.
257. GLOBE, 11 March 1856.
258. IBID.
259. IBID.
260. IBID.
261. IBID.
262. TORONTO DAILY LEADER, 11 March 1856.
263. GLOBE, 11 March 1856.
264. TORONTO DAILY LEADER, 11 March 1856.
265. GLOBE, 11 March 1856. TORONTO DAILY LEADER, 8 March 1856, has included this motion in its account of the proceedings of the 7th March 1856, erroneously reporting that the motion was "granted". It is possible, however, that Mr. C. Daoust simply gave notice of his motion on that day.
266. GLOBE, 11 March 1856.
267. TORONTO DAILY LEADER, 11 March 1856.
268. GLOBE, 11 March 1856.
269. IBID.

- 270. GLOBE, 11 March 1856.
- 271. TORONTO DAILY LEADER, 11 March 1856.
- 272. GLOBE, 11 March 1856.
- 273. GLOBE, 11 March 1856. LE PAYS, 20 March 1856, provides a short commentary on this motion.
- 274. GLOBE, 11 March 1856.
- 275. TORONTO DAILY LEADER, 11 March 1856.
- 276. GLOBE, 11 March 1856.
- 277. TORONTO DAILY LEADER, 11 March 1856.
- 278. GLOBE, 11 March 1856.
- 279. TORONTO DAILY LEADER, 11 March 1856.
- 280. GLOBE, 11 March 1856.
- 281. TORONTO DAILY LEADER, 11 March 1856.
- 282. IBID.
- 283. IBID.
- 284. IBID.
- 285. IBID.



TUESDAY, 11 MARCH 1856

(133)

MR. SPEAKER laid before the House,--Statement of the affairs of the Ontario, Simcoe, and Huron Railroad, for the year ending thirty-first December, 1855.

For the said Statement, see Appendix (No. 13.)

Also, Statement of the affairs of the Montreal Provident and Savings' Bank, on the first March, 1856.

For the said Statement, see Appendix (No. 5.)

And also, Returns from the Registrars of the Counties of Frontenac and Elgin, pursuant to the Act 16 Vic. cap. 187, sec. 9, for the year 1855.

For the said Returns, see Appendix (No. 3.)

(134)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Darche,--The Petition of O. Régnier and others, of the Parish of Pointe aux Trembles.

By Mr. Scatcherd,--The Petition of William Cape and others, of the Townships of Caradoc and Ekfrid; and the Petition of James McIntyre and others, of the Township of Ekfrid, County of Middlesex.

By Mr. Marchildon,--The Petition of G.M. Ross and others, navigating the River St. Lawrence, and others interested therein.

By Mr. Bowes,--The Petition of Samuel Lewis and Joseph Rowell, of the City of Toronto.

By Mr. Biggar,--The Petition of George Samuel Wilkes, of the Town of Brantford.

By Mr. Larwill,--Two Petitions of the Municipal Council of the County of Kent; and the Petition of Alexander Miller, of the Township of Chatham, County of Kent, manufacturer.

By Mr. Crawford,--The Petition of George Brown and others, Creditors of the Buffalo, Brantford, and Goderich Railway Company.

By Mr. Whitney,--The Petition of J.R. Gunn and others, Sons of Temperance, and others.

By Mr. DeLong,--The Petition of Caleb Edmonds and others, of the Township of North Crosby, County of Leeds.

By Mr. Freeman,--The Petition of the Municipal Council of the County of Wentworth.

By Mr. Bellingham,--The Petition of William Merritt and others, of the Village of St. Andrews, County of Argenteuil.

By Mr. Daly,--The Petition of the Municipality of the Village of Stratford; the Petition of William Rath and others, of the Village of Mitchell and surrounding Country; and the Petition of R.P. Stephens and others, of the Town of Mitchell and vicinity.

By Mr. Ferres,--The Petition of R. Lindsay and others, Trustees of the Knowlton Academy.

By Mr. Munro,--The Petition of the Port Darlington Harbour Company.

By the Honorable Mr. Attorney General Macdonald,--The Petition of Robert Stuart and others, of the Township of South Crosby, County of Leeds; the Petition of Horace McTean and others, of the Township of Augusta, County of Grenville; the Petition of the Bloomsbury Temperance Society, County of Peel; the Petition of John Waddel and others, of the City of Kingston; the Petition of Rowland G. Barrows and others, of

the Township of North Gower, County of Carleton; the Petition of Andrew Stuart, Clerk of the County Court of the County of Wentworth; and the Petition of A. Morison and others, of the Townships of Malahide and Bayham.

By Mr. Hartman,--Two Petitions of the Municipality of the Township of York; and the Petition of John Hanley and others, of the Township of Goderich.

By Mr. Frazer,--The Petition of George McMicking and others, of the Village of Chippawa, County of Welland.

By Mr. Angus Morrison,--The Petition of W.B. Hamilton and others, of the Town of Collingwood.

By Mr. Chisholm,--The Petition of D.B. Chisholm and others, of the Township of Nelson, County of Halton.

By the Honorable Mr. Cayley,--The Petition of the Municipality of the Township of Culross, County of Bruce.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Third Report of the said Committee; which was read, as followeth:--

(135)

Your Committee have examined the following documents as required to be printed:--

The Petition of Alfred Center and others, of the County of Argenteuil, praying that no change may be made in the Municipality of the Township of Chatham.--Your Committee recommend it to be printed in full; the number of Copies 250; the estimated cost, One pound one shilling and eleven pence.

The Petition of the Municipal Council of the County of Terrebonne, praying to be relieved from the payment of the amount of Stock subscribed for by the said County in the Montreal and Bytown Railway Company, inasmuch as the Company have not fulfilled the conditions agreed upon.--Your Committee recommend it to be printed in full; the number of Copies 250; the estimated cost, One pound six shillings and two pence.

The Petition of the Municipal Council of the Parish of St. Jérôme, praying the same as the last Petition. The Notice for printing this Petition is withdrawn.

The Petition of J.E. Pageot and others, of the Parish of L'Ancienne Lorette, praying that an inquiry be made into the conduct of the Commissioners of the Quebec Turnpike Trust, and that the macadamized Roads of Quebec and Point Lévi may be under separate control.--Your Committee recommend that it be printed in full; the number of Copies 250; the estimated cost, One pound one shilling and eleven pence.

The Petition of Joseph Savard and others, of the Parish of St. Ambroise de la Jeune Lorette, praying the same,--recommended not to be printed.

And the Petition of David Bell and others, of the Parish of St. Roch, praying the same,--recommended not to be printed.

Resolved, That this House doth concur with the Committee in the said Report.

Mr. Sidney Smith, from the Standing Committee on Standing Orders, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Petitions, and find that sufficient Notice has been given in each case, viz:--Of John H. Moore and others, of Brantford, for incorporation of the Canadian Life and Fire Insurance Company; of J.A. Wilkes and others, of the County of Brant, for incorporation of the Brant County Bank; of George Samuel Wilkes, of the Town of Brantford, relative to a certain Road allowance; of R.H. Thornhill and others, of the Township of Bertie, for incorporation of the Fort Erie Canal Company; and of T.W. Lawford, of the City of London.

On the Petition of D. Myrand and others, Electors of the City of Quebec, for an Act to render the Mayor of Quebec elective, Your Committee find that no Notice was

*published; but the matter having been discussed, and a vote taken thereon in the City Council, whose proceedings are published in the City papers, Your Committee are of opinion that the Notice may be considered sufficient.*

*On the Petition of Alexander McNabb, Reeve of the Township of Saugeen, and others of the Township of Bruce, for incorporation of a Company to construct a Railway from Saugeen to Toronto, Your Committee find, that the only Notices published appeared in the Canada Gazette, which is sufficient for the County of York only; no Notice having been given in the other Counties through which the proposed Road would pass.*

*Ordered, That the time fixed by the Rules of this House for receiving Private and Local Bills, be extended to the fourteenth of April next, and for receiving Reports on such Bills to the twenty-eight of April next, and no longer.*

MR. AT. GEN. DRUMMOND rose, and said: I rise, Mr. Speaker, to announce to you and to this Honourable House, that, having taken into consideration the vote of last night on Mr. Cameron's motion, my colleagues and myself have come to the conclusion, that we should throw ourselves on the indulgence of this House, by asking an adjournment till Thursday next, that we may have time to consult with the leader of the Government, and among ourselves more fully than we have yet been able to do, as to the course we should adopt under the circumstances in order that that course may be consistent, not only with the duty we owe to the crown and its representative in this country, but the duty we owe to this House and the duty we owe to ourselves. At the same time I am also charged to inform this House, without meaning any discourtesy to it, that the members of the Executive Council, though charged to present a certain address to his Excellency the Governor General, have not yet thought proper to present that address, and that it is the intention of my colleagues and myself to move that the order requiring us to present the address be discharged, and also to move that the resolution on which it is based be rescinded. I therefore give notice that I will on Thursday next move--

"To rescind the resolution passed by this House on Monday, the 10th instant, ordering such members of this House as are of the Executive Council, to present an address passed by this House on that day to his Excellency the Governor General, for a copy of the charge delivered by the Hon. Judge Duval, on the trial before the criminal court at Quebec, in the month of February last, of Kelly and others, for the murder of Edward Corrigan and that I will then also move to rescind the resolution ordering such Address."

I have nothing more to say than to express my hope that the House will consent to the motion I now submit, "That, when this House adjourns to-day, it do stand adjourned till Thursday next."<sup>1</sup> I have only to say, that we will be prepared to come down to this House on Thursday next, and state what course we intend to adopt.<sup>2</sup> I will only add that we would without doubt have been quite prepared to have come down to the House to-day to state what course we intend to adopt, had it not been for the very serious indisposition of the Premier, who is confined not only to his room but to his bed.<sup>3</sup>

MR. J.S. MACDONALD (Glengary.)--Of course, Mr. Speaker, this motion will meet with no opposition. But when, after the vote of last night the Attorney General comes down to state that he will move an adjournment till Thursday next, I must say that it is a very singular proposition. If they simply gave notice that they would move to rescind the resolution adopted last night, calling for this charge, I would have no objection; but the Government accompany this by telling us that they are in that disjointed condition that they cannot proceed to business, but want time to



consider the position in which they are placed. The proper course, it appears to me, is that they should ask the House to adjourn at once, and that they should not, after acknowledging that they have met with a disappointment as to the support they receive in the House, still sit there and go on with the business of the House and of the country, without having come to some decision as to the course they are to adopt.<sup>4</sup>

MR. AT. GEN. J.A. MACDONALD.--I think the hon. gentleman is rather premature in the remarks he has offered. The next motion will of course be that this House do now adjourn.<sup>5</sup> They had of course taken into consideration the position in which they had been placed by the motion of the hon. and learned member for Toronto<sup>6</sup>; the Government considering that the vote of last night showed that they could not command a majority of this House on a question that they think of vital importance, as it affects the independence of the judiciary of the land, could not of course consent to come down here and occupy the humiliating position of attempting to govern this House, so long as they had an adverse vote recorded against them on a question involving so important interests.<sup>7</sup> His hon. colleague was therefore about to move that this House should now adjourn.<sup>8</sup>

MR. A. DORION, (Montreal.)--I think my hon. friend from Glengary, has been misunderstood. The cause of complaint on his part is that the administration should, at a moment when they admit that an adverse vote has put them in the position of being bound to consider what course they should adopt--that in those circumstances they should lay on the table notice of a motion for rescinding that very vote by which the House had declared that they had no confidence in them, or which they consider to amount to that, while at the same time they declare that they do not know whether they will come down to carry on the business of the House and the country or not. I must say that it appears to me to be a singular and a new proposition altogether, when the Administration is in that position that they want time to consider, that they should at the same time give notice that they will bring forward a motion, the object of which is to induce the House, in some way, to reconsider the vote given last night. I think their proper course, if they find themselves in that position that they cannot carry the measures of the Government, or conduct the business of the country, and that they have lost that control over the House which it is necessary for every well organized Government to possess--I think their proper course would be to ask for an adjournment, and not to throw out a menace to the House that they intend to do something and specially to get the vote of last night cancelled. Is the adjournment for the purpose of ascertaining from their friends whether they are to vote for the motion? I do not think that that is a proper course. I would think it a much better course, if they withdrew that notice, and said that they would be ready on Thursday to intimate distinctly whether they can continue to carry on the business of the country. As to the motion itself, I do not think any member of this House can find fault with the proposition for an adjournment. Of course, as the Administration ask for delay, it will be very proper to grant it. My only objection is to that notice being given at a time when the Government are not prepared to say what policy they will adopt in consequence of the important vote of last night.<sup>9</sup>

MR. J.S. MACDONALD (Glengary).--I wish to remark, in explanation of what I formerly said, that when the Attorney General announced that the House would be adjourned till Thursday next, he did not state that he was to move an adjournment immediately. I understood from him that the business was to go on to-day as usual.<sup>10</sup>

MR. AT. GEN. DRUMMOND said:--I stated distinctly that we had agreed to ask for the indulgence of the House for an adjournment till Thursday next, but the first motion required by the rules of the House was, that it should be resolved by this House that when it adjourn[s] it should be to Thursday. The next motion I have in my hand was (sic), "that this House do adjourn at once." It was not intended by the Government to proceed to any business until that motion is disposed of. They have made up their minds, and come to the determination, that they will move to rescind the vote of last night--and they give notice accordingly; but they do not wish to carry on the business of the House, before it be ascertained, by the result of a vote upon this motion, whether they do possess the confidence of this House, or not.<sup>11</sup> They did not consider that they could do justice to themselves and their friends to continue to conduct the business of the Government in the face of an adverse vote involving an important principle, and demanding of them a species of action which they could not conscientiously approve.<sup>12</sup> I think the position is a perfectly logical one. We have quite made up our minds, and we give notice that, on Thursday, we shall make this motion; and in the meantime, we hope the House will see no objection to our adjournment. I wrote the notice at full length, and read it, rather than laid it on the table, so that no hon. members might be taken by surprise, but that they all may be prepared to come up and record their vote upon the question, in order to enable us to know whether we possess the confidence of the House or not.<sup>13</sup>

MR. J.S. MACDONALD (Glengary) then rose and said:--I am satisfied that I misunderstood the Hon. Attorney-General, but I ask if you can find a precedent such as this to justify the Government. After they acknowledge that they have been disappointed with the vote of last night,<sup>14</sup> [and] that they had lost the confidence of the House (sic),<sup>15</sup> instead of calling a meeting of their friends, and coming down to the house, they throw out the hint that unless they are supported next Thursday, that they will have to resign. (Hear! hear!)<sup>16</sup> Their intention, evidently, was to gain time<sup>17</sup>, merely to whip in their supporters for them to say, "that unless you rescind the vote of last night, we will resign and give up the Government." (Hear! hear!) And I defy honourable gentlemen on the Treasury Benches to find an instance where a Government has come down in this way, and taken upon themselves to ask this House to support them, after they have so acknowledged their defeat?<sup>18</sup>

DR. CLARKE (vehemently):--I think a more honorable position never was assumed than by the Ministry, upon this occasion.<sup>19</sup> They confessed that an adverse vote had been taken, and they acknowledged that they must resign if, after testing the opinion of the House, it should be found to be adverse to them. There were thirty-eight members absent the preceding evening, and their presence might have changed the vote materially. The majority seemed to have lost the confidence of the Upper Canada section of the House, and the question was, whether, on all these affairs of detail, the House would confide in them or not.<sup>20</sup> It is a material question, whether the judges of the land are to be interfered with upon every occasion where the reports of newspapers are published against them. (Hear, hear.) It involves a serious question whether this House will take such a matter out of the hands of the Government as an investigation as to the judicial conduct of a judge, and on such a trifling occasion as that on which they have chosen to do so now. Therefore, instead of taunting these gentlemen about what they did last night, the House ought to be obliged to them for the straight-forward manner in which they have come forward to test whether they have lost the confidence of this House, or their party upon the question, and I for one will be prepared to support them, though I stood almost alone among Upper Canada members last night upon it, and I am prepared to stand with

them upon it as I then did, because I think they are right. (Hear, hear.)<sup>21</sup> He hoped that on Thursday a majority of the House would be prepared to support them on the stand they have taken.<sup>22</sup>

MR. INSP. GEN. CAYLEY.--I understood the hon.<sup>23</sup> member for Glengarry<sup>24</sup> to say, that the course we should have taken was this; first, to consult our friends whether they would support us in the course we propose to take, and afterwards to come down to the House and announce that course. Then I put it to the whole House, whether we have not taken the more manly part first to declare our own policy, and to leave our friends uncaucused, unbiassed, and untrammelled, as to the course we thought it ought to adopt?<sup>25</sup>

MR. HARTMAN.--I do not approve of the course that the Government take<sup>26</sup>, in proposing to test the vote of the preceding evening<sup>27</sup>. I think that, if one question is to be tested twice over, other questions ought to be tested twice over. The hon. gentleman for the county of Wellington (Dr. Clarke) said it was necessary to try this over again, because thirty odd members were absent. Of course, we cannot ask those who were absent, "why they were absent;" but, if it was known, I should think it would be found that their absence had something to do with the question before the House. (Hear, hear, ironically.) If that majority which we got last night was any test at all, the majority of Thursday next cannot reverse (sic) it<sup>28</sup>, except by some members voting for, who had voted against them previously<sup>29</sup>; for the majority of last night was made of Upper Canadian members, and more than a majority of them were present.<sup>30</sup>

MR. AT. GEN. J.A. MACDONALD (Kingston).--Well, it is not an Upper Canada question.<sup>31</sup>

MR. HARTMAN.--I would like to know, whether it is an Upper Canada or Lower Canada question? Was it argued here as a Lower Canada question? Would similar questions be treated differently in Upper Canada? Did not the vote last night speak most clearly as to the feeling of Upper Canada upon that?<sup>32</sup>

MR. AT. GEN. DRUMMOND.--I rise to order. I refer this to the good sense of the hon. member, I put it to his delicacy whether this discussion is right, and I ask him, whether any such thing has ever been allowed in England? I do not think that we ought to go on with this discussion.<sup>33</sup> The ministry having stated what their intentions were, asked for an adjournment--and in that case the course now pursued by hon. gentlemen opposite was very unparliamentary.<sup>34</sup>

MR. HARTMAN.--As far as my remarks are concerned, I may have gone beyond what was right. I did go beyond what I would have done had it not been for the remarks of the hon. member for Wellington, and that we were taunted here in having taking (sic) an unusual course, and that we had transgressed.<sup>35</sup> If there had been any irregularity on his side of the House, he and his friends were not alone in that irregularity.<sup>36</sup> We have no objection to an adjournment at all.<sup>37</sup>

MR. STEVENSON.--I can answer the question of absence as to myself. I was absent last night, but it was not occasioned by my unwillingness to vote upon this question. I was unwell. Had I had the least idea that this question would have come up I should have come, ill as I was, and I would have given my vote with great pleasure.<sup>38</sup> He believed that was the case with the other member with whom he had conversed.<sup>39</sup>



MR. SICOTTE the SPEAKER.--If this explanation is allowed, other members may be allowed to do the same. I do not say it is unparliamentary, but it is unusual.<sup>40</sup>

MR. STEVENSON.--I merely wished to relieve the gentleman's mind.<sup>41</sup>

MR. J. SMITH (Victoria)<sup>42</sup> [OR] MR. S. SMITH (Northumberland).--If the government have been deserted by some of their followers, I was not among the number.<sup>43</sup> If he had been in the House he would have voted with them.<sup>44</sup>

MR. J. MORRISON (Niagara).--I regret I paired off last night, or my name would have been among the nays.<sup>45</sup>

MR. BOWES.--I may say also, that I was necessarily absent.<sup>46</sup> [I] would have done the same thing.<sup>47</sup>

MR. FOLEY.--As other honorable gentlemen have given explanations, I may say that I was absent not because I desired to shirk the vote.--(Hear, hear.)<sup>48</sup>

MR. AT. GEN. DRUMMOND.--I now move "that this House do now adjourn to Thursday next."<sup>49</sup>

(135)

*On motion of the Honorable Mr. Attorney General Drummond, seconded by Mr. Solicitor General Smith,*

(136)

*Resolved, That this House will, at the rising of the House this day, adjourn until Thursday next.*

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by Mr. Solicitor General Smith,*

*The House adjourned until Thursday next.<sup>50</sup>*

FOOTNOTES: 11 MARCH 1856.

1. GLOBE, 12 March 1856.
2. TORONTO DAILY LEADER, 12 March 1856.
3. GLOBE, 12 March 1856.
4. IBID.
5. IBID.
6. TORONTO DAILY LEADER, 12 March 1856.
7. GLOBE, 12 March 1856.
8. TORONTO DAILY LEADER, 12 March 1856.
9. GLOBE, 12 March 1856.
10. IBID.
11. IBID.
12. MORNING CHRONICLE, 15 March 1856.
13. GLOBE, 12 March 1856.
14. IBID.
15. WESTERN PLANET, 17 March 1856.
16. GLOBE, 12 March 1856.
17. MORNING CHRONICLE, 15 March 1856.
18. GLOBE, 12 March 1856.
19. IBID.
20. MONTREAL GAZETTE, 13 March 1856 (in Scrapbook Hansard).
21. GLOBE, 12 March 1856.
22. TORONTO DAILY LEADER, 12 March 1856.
23. GLOBE, 12 March 1856.
24. MONTREAL GAZETTE, 13 March 1856 (in Scrapbook Hansard). GLOBE, 12 March 1856, mistakenly reports that Mr. Cayley referred to Mr. J.A. Macdonald's statement. It is quite clear that Mr. Cayley was, in fact, offering an answer to the opinion expressed by Mr. J.S. Macdonald (see footnotes 14 to 18).
25. GLOBE, 12 March 1856.
26. GLOBE, 12 March 1856. MONTREAL GAZETTE, 13 March 1856 (in Scrapbook Hansard), mistakenly imputes this speech to Mr. Stevenson; TORONTO DAILY LEADER, 12 March 1856, and WESTERN PLANET, 17 March 1856, both concur with the Globe and report Mr. Hartman spoke.
27. TORONTO DAILY LEADER, 12 March 1856.
28. GLOBE, 12 March 1856.
29. MORNING CHRONICLE, 15 March 1856.
30. GLOBE, 12 March 1856.
31. IBID.
32. IBID.
33. IBID.
34. TORONTO DAILY LEADER, 12 March 1856.
35. GLOBE, 12 March 1856.
36. MORNING CHRONICLE, 15 March 1856.
37. GLOBE, 12 March 1856.
38. IBID.
39. MONTREAL GAZETTE, 13 March 1856 (in Scrapbook Hansard).
40. GLOBE, 12 March 1856.
41. IBID.
42. MONTREAL GAZETTE, 13 March 1856 (in Scrapbook Hansard).
43. GLOBE, 12 March 1856.
44. MONTREAL GAZETTE, 13 March 1856 (in Scrapbook Hansard).
45. GLOBE, 12 March 1856.

46. GLOBE, 12 March 1856.
47. MONTREAL GAZETTE, 13 March 1856 (in Scrapbook Hansard).
48. GLOBE, 12 March 1856.
49. IBID.
50. GLOBE, 12 March 1856, reports the House adjourned "at a quarter to four". Several newspapers reported commentaries and political analyses about today's sitting. The following excerpts are of particular interest, especially as regards their description of the events that occurred following the adjournment:

GLOBE, 12 March 1856, asserts that the Ministry "have adopted a very curious and contradictory course of action. The Attorney-General East first demanded from the House a delay of two days, in order to give himself and his colleagues time to consult with the Premier as to the course which they ought to pursue; and then, immediately afterwards, he announced plainly the course which the Government had already determined on. If it was already decided that the Government should again appeal for support to the members of the House, why ask time to consult with the Premier? The Attorney General West admitted that the vote of Monday night showed that the Ministry could not command a majority of the House on a vital question, and, after that, no other course was open to the Government but resignation. They cannot carry on the business of the country, and why do they remain in office? The reason is obvious enough: they think that, during the two days to elapse, they will be able to bribe, bully, or cajole Upper Canadian members into reversing their vote on the Corrigan case. A more unmanly course of conduct it is difficult to imagine. The House which divided on Mr. Cameron's motion was a full one; ninety-two members were present, and of the absent, the Government do not number among their supporters more than the half. But the main point of the matter is, that it was those who formerly supported the Government who created the majority on Monday night; the bringing up [of] absentees will not alter the fact that so many members deserted the ministry that they were defeated. The only hope which the cabinet have of retaining office, rests on the belief that the men who voted yea on Monday night for Mr. Cameron's motion, will, on Thursday, under the influence of the Treasury whip and spur, vote nay. What a compliment do they pay to their quondam supporters in indulging the expectation. These gentlemen did not vote in the dark; the question was discussed two evenings, with an interval of three days between them, the newspapers had their say, and there has been no further light thrown on the subject since Monday evening.... The Government trust to a broken reed, if they depend upon the reversed voices of their supporters. We cannot believe that they will try so desperate a chance, but are of opinion that new movements will be intimated on Thursday."

LE PAYS, 20 March 1856, expresses the following point of view: "Nous sommes donc au milieu d'une crise ministérielle. Le gouvernement si fort, si puissant, si uni, déclare qu'il ne peut plus conduire les affaires du pays, avant de savoir d'une manière positive s'il possède ou non la confiance de la chambre.... Comment, des ministres viennent déclarer qu'ils refusent d'obéir à l'ordre de la chambre et en même temps ils osent venir demander à la chambre de rescinder son vote! Y a-t-il dans aucun pays constitutionnel, un exemple d'une pareille audace? Ce que la chambre a ordonné hier, les ministres vont lui demander de le contremander demain, et cela parce que cet ordre entraîne leur chute.... Maintenant la question est de savoir si parmi ceux qui ont voté pour l'adresse proposée par M. Cameron, il y aura un nombre suffisant d'instruments serviles qui consentiront à décréter leur propre dégradation en changeant et renversant leur vote d'hier, pour assurer une majorité au ministère...; mais cela ne suffira pas, car les membres de l'opposition qui ont voté contre la motion de



M. Cameron, ne peuvent en honneur, quelque sincères que soient leurs convictions sur le mérite de cette proposition, voter pour déshonorer ainsi la chambre en la mettant dans une pareille contradiction avec elle-même. Ils ne peuvent, par leur vote, approuver la conduite inconstitutionnelle et outrageante du gouvernement envers la chambre, et par conséquent ils ne peuvent voter pour la motion de M. Drummond."

LE PAYS, 13 March 1856, translates a telegraphic report from the Argus providing the following information on the meetings held in Parliament after this day's adjournment: "Les conservateurs qui ont voté avec M. Cameron sont maintenant réunis en caucus afin de décider la conduite qu'ils doivent tenir. On croit qu'ils refuseront de renverser leur vote d'hier. Une majorité des rouges a voté contre la motion de M. Cameron, mais maintenant que le ministère en fait une question de confiance ou de non-confiance, il paraît probable qu'ils voteront la non-confiance. S'ils le font, le ministère devra être battu. Le résultat dépend du vote des rouges. Ils peuvent arguer qu'ils ont déjà voté sur le principe de la question, mais que puisque le ministère joue son existence sur cette question, ils doivent, en conformité avec leurs principes, voter contre lui. Chose étrange, le sort du ministère est entre les mains de ses ennemis politiques, les rouges. Plusieurs réformistes ont quitté la chambre hier soir, pour ne pas voter sur la question, et je crois qu'ils voteront contre le gouvernement. L'opinion publique est réellement très forte, dans le Haut-Canada, sur l'affaire Corrigan et peu de membres de cette section oseront voter contre la motion, si elle est posée de nouveau. On croit généralement que sir Allan McNab va résigner, et bien probablement jeudi prochain.... On dit que le gouverneur est dans une pénible anxiété sur la condition des affaires publiques. Le fait est qu'il existe un manque de confiance général en tout le monde, et un sentiment de défiance mutuelle entre les partis." MONTREAL GAZETTE, 19 March 1856, also notes that following the adjournment "the House was all in confusion. Knots of members were gathered here and there on the floor and in the Committee Rooms, eagerly debating the chances of the break-up of the Cabinet, the dissolution of the House, and the natural consequence, the result of an appeal to the country. Several separate caucuses were held, and men compared notes to see if they could act together. Some were eager and expectant. Others depressed and out of humor. Very few indeed liked the hints at a dissolution, and they had better grounds for deprecating such a course than members usually have. Usually they dread to meet their constituents and pay the price of a re-election. Some, no doubt, were actuated by that feeling on this occasion. But others wisely foresaw the most mischievous results as likely to ensue from a break-up, and appeal to the country on a quasi-religious issue. Mr. Cameron's motion has had an effect little anticipated by himself or anybody else I fancy. The Ministerialists generally who voted with him feel anything but pleasure at the result of this crafty appeal to their feelings. They voted much ... on the impulse of the moment. They took no thought generally of any ulterior consequence, nor did they look upon this at any time as a test question of Ministerial confidence.... [The Ministerial] supporters were left to caucus among themselves whether they would eat up their words or no. Caucuses were held, and some were willing to reverse their votes, and some to absent themselves, while at least half sturdily refused to do either. But many who refused to reverse their votes were in anything but good humor with Mr. Cameron, and talked much ... of the trap in which they had been caught, whether laid for them designedly or by accident and with good intentions."

The following excerpt of a commentary from GLOBE, 13 March 1856, describes more particularly the events that took place in the Parliament on Wednesday,

12 March 1856: "Formal meetings of Ministerial supporters, and of Ministerial opponents, were held during the day; and informal assemblages of leading politicians might be seen in every part of the Parliament buildings, eagerly discussing the topic of the hour. What the result of all these negotiations will be, cannot with certainty be predicted, in a House constituted like the present; but the general feeling among the best-informed men on both sides last night, was that the Ministry must break up--that the House would not rescind the resolution of Monday, and that Ministers would probably send in their resignations to-day.... Monday night's defeat has thrown the Ministerial camp into complete confusion; the three sections within the lines have drawn off into separate positions; and the jealousy and discord which have rent the Coalition, unknown to the public, stand forth confessed to all the world. The French Canadian Roman Catholics are indignant at the Upper Canadian Tories, with Mr. Cameron at their head, dealing them such a blow; the liberal section of the Upper Canadians formally intimated to Mr. McDonald yesterday that the Government must be dissolved, and reconstructed without the aid of Messrs. McNab, Cayley, Cameron and Co.; while the Tory section of the Upper Canadians are indignant at the treachery of their allies, and boldly maintain that they are the mainstay of the Administration."

THURSDAY, 13 MARCH 1856<sup>1</sup>

(136)

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Merritt,--The Petition of William James and others, of the Counties of Lincoln and Welland; the Petition of Chauncey Yale and others, of the Town of St. Catharines; the Petition of Andrew Vanderburgh and others, of the Counties of Lincoln and Welland; the Petition of John Rannie and others, of the Counties of Lincoln and Welland; and the Petition of Mrs. Hawley and others.

By Mr. Fergusson,--The Petition of the Municipality of the Village of Preston; and the Petition of the Municipality of the Township of Erin.

By Mr. Wilson,--The Petition of the Reverend H. Wilkinson and others.

By the Honorable Mr. Cartier,--The Petition of the Montreal Horticultural Society.

By the Honorable Mr. Cayley,--The Petition of the Municipality of the Township of Kincardine.

By Mr. Biggar,--The Petition of T.S. Shenston and others, of the County of Brant; and the Petition of W. Mathews and others, Members of the Wesleyan Church in Brantford.

By the Honorable Mr. Attorney General Macdonald,--The Petition of Mrs. Susannah Foster and others, of the Townships of Egremont and Normanby; and the Petition of E.A. Burns and others, of the Township of Gosfield, County of Essex.

By the Honorable Mr. Spence,--The Petition of Somers Atkinson and others, of the Village of Vansickles; the Petition of H.R. O'Reilly and others, of the Township of East Flamborough; and the Petition of Charles Brady and others, of the Township of Garafraxa, County of Wellington.

By Mr. Scatcherd,--The Petition of W. Wilkinson and others, of the Township of Lobo, County of Middlesex.

By Mr. Rankin,--The Petition of James A. Thompson and others, of the Township of Mersea, County of Essex; and the Petition of Jonathan Wyfield and others, of the South-eastern portion of the County of Essex.

By Mr. Munro,--The Petition of the Municipality of the Village of Bowmanville.

By Mr. Southwick,--The Petition of L. Burwell, Chairman, on behalf of a Public Meeting held at Port Burwell; and the Petition of David Mitchell and others, of the Township of Sparta, County of Elgin.

By Mr. Cook,--The Petition of John Smith and others, of the County of Oxford.

By Mr. Jackson,--The Petition of the Municipality of the Township of Peel, County of Wellington.

By Mr. Evanturel,--The Petition of Pierre Drolet and others, of the Parish of Ancienne Lorette; and the Petition of the Quebec and Saguenay Railway Company.

(137)

By Mr. Poulin,--The Petition of the Mechanics' Institute of St. Césaire, County of Rowville.

By Mr. Darche,--The Petition of Charles C. Scheffer, Mayor, and others, of the Village of Chambly.

By Mr. Frazer,--The Petition of John Johnson and others, of the Township of Thorold, County of Welland; the Petition of the Municipality of the Village of Thorold; and the Petition of Robert Elliot and others, of the Village of Port Robinson.<sup>2</sup>

By Mr. Christie,--The Petition of the Reverend David Caw and others, of the Town of Paris.



By Mr. Hartman,--The Petition of Mrs. Elizabeth Pearson and others, of the Township of King, County of York; and the Petition of Benjamin Pearson and others, of the Townships of King and Whitchurch, County of York.

By Mr. James Ross,--The Petition of Charles Underhill and others, of the Township of Cramahe, County of Northumberland; and the Petition of the Municipality of the Township of Brighton.

By Mr. Conger,--Three Petitions of the Municipal Council of the United Counties of Peterborough and Victoria.

By Mr. Sidney Smith,--The Petition of the Town Council of the Town of Cobourg; and the Petition of the Reverend A.H. Bethune and others, of Cobourg and its vicinity.

By Mr. Brown,--The Petition of William Young and others, of the Township of North Dumfries; the Petition of the Reverend S. Grey and others, of Orillia; the Petition of Thomas Dallas and others, of the Township of Orillia; and the Petition of William Cook, of Mount Albion, Township of Barton.

By Mr. Aikins,--The Petition of the Municipality of the Township of Toronto.

By Mr. James Smith,--The Petition of George Sanderson and others, of the Township of Mariposa.

By Mr. Powell,--Two Petitions of the Municipality of the Village of Richmond.

By Mr. Mackenzie,--The Petition of the Mechanics' Institute of the Village of Dunville.

Pursuant to the Order of the day, the following Petitions were read:--

Of A.G. Hall and others, of the Township of Lanark, County of Lanark; of William Brown and others, of the Village of Smith's Falls, County of Lanark; of John Alexander and others, of the Town of Barrie; of Robert Buchanan and others, of the Township of Medonté, County of Simcoe; of S.J. Southworth and others, of the Township of Bastard, County of Leeds; of William M. Howard and others, of the Townships of Leeds and Lansdowne; of John B. Crowe and others, of the Township of Pelham, County of Welland; of Dorman De Wolff and others, of the Township of Kitley, County of Leeds and Grenville; of D. Henry and others, of the Townships of Albion and Chinguacousy, County of Peel; of Samuel Alcorn and others, of Yorkville; of James L. Green and others, of the Township of Townsend, County of Norfolk; of J.H. Hartney and others, of the Township of Peel, County of Wellington; of John Nelson and others, of the Township of Vaughan, County of York; of Alexander Thompson and others, of the Township of King; of William H. Agnew and others, of the Township of King; of Cecilia A. Agnew and others, of the Township of King; of Mrs. Lavina Edwards and others, of the Township of King; of William Stokes and others, of the Village of Kettleby; of John Graham and others, of the Township of King; of Mrs. Catherine McCallum and others, of the Township of King; of Thomas L. Hilborn and others, of the Township of King; of the Reverend George Macdonnell and others, of the Townships of Nichol and Garafraxa, County of Wellington; of Mrs. Jane B. Perry and others, of the Township of Nichol, County of Wellington; of J. Ham Perry

(138)

and others, of the Town of Whitby, County of Ontario; of William Cape and others, of the Townships of Caradoc and Ekfrid; of James McIntyre and others, of the Township of Ekfrid, County of Middlesex; of J.R. Gunn and others, Sons of Temperance, and others; of Caleb Edmonds and others, of the Township of North Crosby, County of Leeds; of William Merritt and others, of the Village of St. Andrews, County of Argenteuil; of William Rath and others, of the Village of Mitchell and surrounding Country; of R.P. Stephens and others, of the Town of Mitchell and vicinity; of Robert Stuart and others, of the Township of South Crosby, County of Leeds; of

Horace McTean and others, of the Township of Augusta, County of Grenville; of the Bloomsbury Temperance Society, County of Peel; of John Waddel and others, of the City of Kingston; of Rowland G. Barrows and others, of the Township of North Gower, County of Carleton; of A. Morison and others, of the Townships of Malahide and Bayham; of the Municipality of the Township of York; of John Hanley and others, of the Township of Goderich; of W.B. Hamilton and others, of the Town of Collingwood; and of D.B. Chisholm and others, of the Township of Nelson, County of Halton; praying for the passing of a Prohibitory Liquor Law.

Of C. Morin and others, of the Parish of Chertsey, County of Montcalm; praying aid for the opening of a Road in the said Parish.

Of J.O. Archambault and others, of the Parish of St. Timothée, County of Beauharnois; praying aid for a Male and Female Academy in the said Parish.

Of the Honorable Pierre de Boucherville and others, of the County of Boucherville; of Félix Pinard and others, of the Parish of St. Germain; and of O. Regnier and others, of the Parish of Pointe aux Trembles; praying that the annual grant for Schools may be increased.

Of William Latimer and others, Town Clerks of the County of Kent; praying that a reasonable allowance be made them for making out an alphabetical list of all persons entitled to vote at the Election of a Member of the Provincial Parliament within their respective Municipalities, as provided for by the Act 16 Vic. cap. 153.<sup>3</sup>

Of James Smith, Warden of the County of Kent, and others; praying that a Survey be made in order to ascertain the cost of opening a Canal from Jeannette Creek on the River Thames, to the mouth of Two Creeks on Lake Erie.

Of Skeffington Connor, L.L.D., and others, late Professors in the Faculties of Law and Medicine in the University of Toronto; praying for the re-establishment of the Faculties of Law and Medicine in the said University, or otherwise that they may receive compensation for their sudden dismissal therefrom.<sup>4</sup>

Of the Municipality of Walford and other Townships; praying for the construction of a Draw-bridge over the Rideau Canal at Nicholson's Creek.

Of the Trustees of the Missisquoi High School, in the Township of Dunham, County of Missisquoi; praying for aid.

Of the Trustees of the Missisquoi High School, in the Township of Dunham, County of Missisquoi; praying to be placed on the same footing with similar Institutions receiving annual grants from Government.

Of John Jackson and others, of the Village of Delaware; praying that the Bill now before the House to confirm and establish the Survey of the Township of Delaware, made by Samuel Peters, Esquire, Deputy Provincial Land Surveyor, may become Law.

Of Théophile Roy and others, of St. Athanase; praying that the Bill now before the House for the suppression of Intemperance, may not become Law.

Of the Reverend L. Roy, Curé, and others, School Commissioners and others, of the Parish of Trois Pistoles, County of Temiscouata; praying aid for a Model School in the said Parish.

Of Lionel Ridout and others, of the City of London and vicinity; praying for the

(139)

passing of an Act incorporating a Company to construct a line of Railway from the City of London to St. Mary's.

Of the Directors of the Lachute Academy; praying for aid.

Of the Municipality of the Townships of Ascot and Westbury; praying that the Election of Councillors for the said Townships, as well as the acts of the said Municipal Council, may be legalized and made good.

Of the Board of Trustees of the University of Queen's College; praying for aid.

Of William H. Lothrop and others; praying for aid to enable them to complete the Academy now in course of erection in the Township of Dudswell, County of Wolfe.

Of L'Hospice de St. Joseph de la Maternité de Québec; praying for aid.

Of the Mayor, Aldermen, and Councillors, of the City of Québec; praying for the passing of an Act to render the Mayor elective for the said City.

Of the Mayor, Aldermen, and Councillors, of the City of Québec; praying an appropriation may be made for the construction of a House of Industry in the said City, or the vicinity thereof.

Of the President and Members of the Québec British and Canadian School Society; praying for aid.

Of the School Commissioners of the Town of William Henry; praying for aid.

Of the University Lying-in Hospital of Montreal; praying for aid.

Of the Natural History Society of Montreal; praying for aid.

Of the Bank of Upper Canada; praying that the various Acts embracing the original Charter of Incorporation may be amended and consolidated.

Of the Municipality of Osgoode; and of the Municipality of the Township of Torbolton; praying that a survey be made in order to ascertain the probable cost of opening a continuous line of water communication from Lake Huron to the St. Lawrence by the valley of the Ottawa.

Of the Municipality of Osgoode; and of the Municipality of the Township of Torbolton; praying that means may be adopted to relieve from a heavy personal tax, the rural population of the County of Carleton.

Of A. Sinclair, Reeve, and others, of the County of Bruce; praying that the Village of Malta may be made the County Town of the County of Bruce.

Of the Reverend N.C. Fortier, Curé, and others, Founders of the College of St. Michel, County of Bellechasse; praying aid for the said College.

Of the School Commissioners of the Village of St. Michel, County of Bellechasse; praying for aid.

Of the Municipality of the Township of Arthur, County of Wellington; and of the Municipality of the Township of Culross, County of Bruce; praying for the passing of an Act to authorize the construction of a Railway from the waters of Lake Huron at Saugeen to the waters of Lake Ontario at Toronto.

Of Peter Freeland and others, of the City of Toronto; praying for an enquiry into the causes of the denial of justice, in consequence of the suspension of the laws as lately occurred on the trial of the murderers of Corrigan.

Of the Oshawa Manufacturing Company; praying for certain amendments to the Act for the formation of Joint Stock Companies.

Of the Municipality of the Township of LaTerrière; praying for aid to open a Road from Grand Brulé to Bagotville.

Of the Board of Trustees of the Public Common Schools of the City of Toronto; and of the Municipality of the Township of York; praying for the repeal of the Separate School Act.<sup>5</sup>

Of the Municipal Council of the County of Shefford; praying for certain amendments to the Municipal and Road Act of 1855.

Of Allan Gilmour and others, of the City of Ottawa; praying that the application of Messrs. Forsyth and Company, for an Act of Incorporation to construct a Tram Road

(140)

from the Iron Mines on Lot number eleven, in the seventh Range of the Township of Hull, may not be granted.

Of H.G. Hall and John Henry, of the Townships of Leeds and Inverness, County of Megantic; praying for the payment of a certain amount, being expenses and loss



incurred by them in attending as Witnesses before an Election Committee of the House, in compliance with a summons requiring the same.

Of E. Mathieu and others, of the Parishes of Lachenaie and Repentigny, County of L'Assomption; praying for certain amendments to the Act incorporating the L'Assomption River and Railroad Company.

Of G.M. Ross and others navigating the River St. Lawrence, and others interested therein; praying for certain alterations in the By-Laws of the Harbour Commissioners of Montreal.<sup>6</sup>

Of Samuel Lewis and Joseph Rowell, of the City of Toronto; praying for certain amendments to the Act incorporating the Hamilton and Toronto Railway Company, in so far as regards the private rights of persons holding lands on the River Humber.<sup>7</sup>

Of George Samuel Wilkes, of the Town of Brantford; praying for the passing of an Act to authorize the Buffalo, Brantford and Goderich Railway Company to sell or lease their said Road.

Of the Municipal Council of the County of Kent; praying that a portion of the Township of Sombra between the third and fourth Concessions, also, that portion of the Township of Dawn between Lots Numbers twenty and twenty-one, and the whole of the Township of Euphemia, be separated from the County of Lambton, and attached to the County of Kent.

Of the Municipal Council of the County of Kent; praying for the passing of an Act for the more effectual registration of Baptisms, Marriages and Deaths.

Of Alexander Miller, of the Township of Chatham, County of Kent, manufacturer; praying for the passing of an Act giving him exclusive right to manufacture and vend in this Province certain machines patented in the United States.

Of George Brown and others, Creditors of the Buffalo, Brantford and Goderich Railway Company; praying for the passing of an Act authorizing the Buffalo, Brantford and Goderich Railway Company to lease their Road upon the terms set forth by the provisional agreement between them and any other Company.

Of the Municipal Council of the County of Wentworth; praying for certain amendments to the Municipal Road Act of Upper Canada.

Of the Municipality of the Village of Stratford; praying for the passing of an Act to incorporate the Lake Huron and Buffalo Railway Company.<sup>8</sup>

Of R. Lindsay and others, Trustees of the Knowlton Academy; praying for aid.

Of the Port Darlington Harbour Company; praying for the passing of an Act to increase the Capital Stock of the said Company.

Of Andrew Stuart, Clerk of the County Court of the County of Wentworth; praying to be allowed additional recompense or remuneration as Clerk of the said County Court, and Deputy Clerk of the Crown and Pleas for the same County.

Of George McMicking and others, of the Village of Chippawa, County of Welland; praying for the abolition of Sunday Labor in the Post Office Department, and on the St. Lawrence Canals.

The Honorable Mr. Young, from the Standing Committee on Public Accounts, presented to the House the First Report of the said Committee; which was read.

For the said Report, see Appendix (No. 30.)

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address

(141)

of the Legislative Assembly, dated the 7th March, 1856, for a List of all the Counties in Lower Canada, the Municipal Councils of which have not acted in accordance

with the provisions of the Act passed during the last Session of Parliament, to provide for the establishment of a Registry Office in each of the Electoral Divisions.

MEMORANDUM:--With the exception of the undermentioned Electoral Counties within Lower Canada, none others have complied with the provisions of the Act, viz:--

County of Terrebonne,--Notification regular, and Proclamation issued.

" of Joliette,  
 " of Beauharnois,  
 " of Verchères,  
 " of Soulanges,  
 " of Richmond,  
 " of Megantic,  
 " of Brome,  
 " of Pontiac,

In the case of these Counties, the notification is not complete, and the requirements of the Law have been pointed out to the respective Wardens.

By Command.

George E. Cartier,  
 Secretary.

Secretary's Office, March 10th, 1856.

Return to an Address of the Legislative Assembly, dated the 28th of February, 1856, for a Copy of any Correspondence which may have passed between the Imperial and Provincial Governments on the subject of the assumption by this Province, of the Canals, Lands, and other properties belonging to the Board of Ordnance in Canada.

For the said Return, see Appendix (No. 17.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 29th ultimo, praying His Excellency to cause to be laid before the House, Copies of all applications or recommendations made to Government at any time by Mr. George Brown, a Member of this House, as an individual, or by him as Secretary to the Commission appointed in 1848, to inquire into the management of the Provincial Penitentiary, or by the Members of the said Commission, or any of them, for the pardon of any Prisoner or Prisoners at the time confined in the Penitentiary.

For the said Return, see Appendix (No. 18.)

MR. AT. GEN. DRUMMOND then rose and said--Mr. Speaker, Before I present to this House the motion which I now hold in my hand, I feel that I am about to do something which there are but few precedents for in this House. At the same time, Sir, I rise to do an act which I feel to be consistent with the duty which I owe to myself, and which I owe to my country. But I find that the course which I adopt is not unprecedented in other countries<sup>9</sup> possessing the same form of government as ourselves. I find that in England, when a motion has been hastily carried, the House of Commons has not hesitated to retract its vote, and to declare that it had been carried by an inconsiderate vote, and that upon more mature reflection, they felt disposed to put aside that motion upon which they had formerly agreed.<sup>10</sup> Now, Sir, the character of this vote was such as to leave the Ministry of the day necessarily under the impression that they had lost the confidence of this House. (Hear, hear.) It was, Sir, of the greatest importance that the Ministry of the day should possess its confidence, inasmuch as the vote recorded by this House, on Monday evening last, required the Ministry to perform an act which they could not perform, without acting as the unconstitutional advisers of the representative of their Sovereign; and feeling a deep regard for the constitution which has been so graciously bestowed upon us by

the Imperial Government--not daring to violate that constitution, or even to offer advice upon any such important question--when we had reason to believe that we had lost the confidence of the House, we took the step that we have. It was not through discourtesy to it, but through respect to ourselves, and through respect towards the representative of the Sovereign, and for that constitution of which we are so justly proud; for we abstained from presenting that address, in order that, if we came to the conclusion that we should resign our seats upon that vote, we might leave it to those who had carried the motion for the address, to present it to his Excellency, and to tender to him that advice which they might have been prepared to give, but which we, having a regard for the independency of the Judiciary, as well as the sacredness of the constitution, could not conscientiously do.<sup>11</sup> (Hear, hear).<sup>12</sup> Now, under these circumstances, we were determined to ascertain whether we had lost the confidence of this House or not--(hear, hear,)--and without at once appealing to any of our friends, but standing upon the ground that we had assumed; feeling, on the one hand, that though anxious to protect the judicial institutions of the country, we shrank not from any investigation, but so far from shrinking from an investigation, we had courted an enquiry; that since the beginning of this session, on more than one occasion, we had endeavoured to state what had been the conduct of the Government and its officers with reference to that occurrence which gave rise to this motion, (for, Mr. Speaker, it is in vain for us to disguise to ourselves that it is not merely the words pronounced by Judge Duval upon that occasion when he charged the jury who were empannelled (sic) to decide the fate of the men who were accused of the murder of Edward Corrigan) that causes any great anxiety, but I desire to say that the desire for investigation arose from a feeling of painful apprehension which had arisen in the minds of the people of this country, as well those of Lower Canada as of Upper Canada; in the minds of Catholics (hear, hear) as well as Protestants, when they saw that in this our country which boasted of prosperity, peace and order, a man had been stricken down in broad day-light, in the middle of thousands of people, and that his murderer should not be brought to justice and convicted. (Hear, hear.) We cannot conceal from ourselves that the hon. member for Toronto was prompted to propose this motion from a laudable desire to see what was the real state of the facts. (Hear, hear.) Now if my honourable friends had come forward and asked for a committee from this House, or rather called upon the Government to organize a commission to enquire into the causes of this failure of justice, and the origin of this lamentable affair; to cause an enquiry to be made into the conduct of the executive officers, of ourselves, and in fact every member of the executive body included, we should not only have consented to it, but should have been gratified to see that done. (Hear, hear.) I say again, that no person more than ourselves, or than myself,<sup>13</sup> courted enquiry into the proceedings that had been adopted by the Government of this country in order to secure the speedy apprehension, arrest and punishment of these men<sup>14</sup> who could dare to violate the law so far as to murder a man in the midst of an assemblage of men, met together for peaceable and laudable purposes; and sir, we would wish that enquiry to go further in order to satisfy public opinion upon another point, which is, whether it be true that the people of Lower Canada and Upper Canada are arrayed against each other in religious feuds? (Hear, hear.) And we should by such an enquiry be in the position to show that such is not the case. (Hear, hear.) Among savage hordes there are men who fear not the name of God and who reverence not religion, that rise up and shed each other's blood; but they, sir, are exceptions. (Hear, hear.) The great bulk of the people of Lower Canada abhor nothing more<sup>15</sup> than the idea of imbruing their hands in the blood of their fellow men, and that too in the profaned name of Him who shed His blood for all.<sup>16</sup> (Hear! hear!) And I believe that there are no other men more free from prejudice than the people of Lower Canada. (Hear! hear!) In that



part of the country which I have the honor to represent,<sup>17</sup> there are no religious dissensions, and [it] is inhabited chiefly by Protestants of various denominations.<sup>18</sup> I believe that there are no men living more free from any such religious prejudice than they, and the French Canadians of Lower Canada. (Hear, hear.) Those men whom I allude to, were the first to take away from the statute books all political and legal disqualifications, arising out of religious dissensions. That is another point which we would wish to examine into,<sup>19</sup> to include an investigation into the real feelings on this subject of the people of that part of the country<sup>20</sup>, in order to ascertain how it is that those men who dare so to violate the law of the country may be effectually put down. (Hear, hear.) I think there (sic) are men who have disturbed the whole country; who have, by their barbarous deeds, disturbed the public mind from one end of the Province to the other, but they are to be viewed not as connected with religious dissension, and I will assert that religion has nothing at all to do with it. It is the display of a barbarous spirit of lawlessness, which a small number of men in that portion of the country where this act was committed, have evinced year after year, and the same consideration will apply to those men whom we now find arrayed against each other and murdering each other, and who some time ago combined themselves against Scotchmen and French Canadians, to prevent them from carrying out the Municipal Institutions of the country. (Hear, hear.) And at that time I sent down from Richmond<sup>21</sup> to Leeds,<sup>22</sup> a sufficient force to quell the disturbance produced by the barbarous dispositions of those men. Then even supposing that the Government had neglected its duty, the country hears a great deal more than it would otherwise, that is to say, when people might think that the Government had done its duty. I trust that the remarks I have made will be taken in a good spirit, and that the hon. gentlemen of this House will bear testimony that I am not one of those who would wish to excite religious prejudices. (Hear! hear!) I wish to abstain from any exciting topic in this House, but I wish it to be clearly understood, that as to the object which my hon. friend (hon. member for Toronto) has in view, that is to say, the enquiry into this sad state of things, and into the causes which have led to this fearful result; the murder of this unfortunate man,<sup>23</sup> I am prepared to assist him to go into that enquiry without any concealment whatever<sup>24</sup>. (Hear, hear.) But on the other hand, sir, I am compelled to admit that my hon. friend has adopted, I may almost say<sup>25</sup>, the only course which was likely to meet with serious opposition from this side of the House--the only course in itself open to serious objection<sup>26</sup>, namely, that of proceeding upon the report of a newspaper--the unauthorized report of a newspaper to call upon the government of this country, to demand of a learned Judge that which we have no power to compel the Judge to produce, a document which it was to be presumed from the nature of things, was not in existence<sup>27</sup>. Calling upon a judge for the words pronounced by him during a trial would be tantamount to calling him to account for his conduct on the bench<sup>28</sup>. And because we considered that an attempt to do these things would be a violation of the spirit of the Independence Act which points out clearly, that there is but one mode of proceeding against a Judge, and that is, by a joint address of both branches of the Legislature; and moreover, we thought, that if we gave this example of a violation of that law, which secures the independence of the bench, that it might be made use of at other times even by the Crown itself (hear, hear,) to interfere: for sir, I maintain, that if this House can violate the law by bringing up Judges before its bar, without the assistance of the other House, acting independently, and without having in view the dismissal of that Judge, then I say, that the Crown may do the same thing without the assistance of this House. When the law requires that the Legislature should act, and a precedent is set by one branch assuming to perform that duty independently, then I say sir, we throw open the doors to an invasion of the bench by the Crown itself. And sir what would be the consequence if we

admitted, that we can enquire into the conduct of a judge for any other object than to dismiss him from his seat; then to segregate him from those men who should be above all beyond reproach in the minds of the people, and that this should deprive him of that ermine, whose spotlessness ought to be kept in perfect harmony with the purity of the bench. Why sir, after every term of a court, we should have gentlemen coming up here to express their disappointment at their ill success of the prosecution of suits, and to complain that a judge ruled wrongly in one case, and charged the jury erroneously in another; because you might also make enquiry as to his decisions in every petty case that came before him if you could bring him before this House, and the result would be,<sup>29</sup> that the regular administration of justice would come to an end. We would have to sit as a court of appeal upon all cases, great and small, that had been tried throughout the length and breadth of the land. I shall not go over the argument I made use of on a previous occasion, but I must correct an error which seems to have gone abroad, that I shifted my ground upon that question. No, sir, I never entertained but one opinion on the subject, and it so happened that without referring to any precedent, but looking to our statutes, and weighing the importance of maintaining that statute in all its important details, when I was asked whether the Government would consent to the motion, I gave almost the same answer which was given by the then Secretary for Ireland in the case of Judge Pennefather.<sup>30</sup> I could not deny that the Crown can demand that which it cannot enforce; but I say that it is not for us, charged as we are with the guardianship of<sup>31</sup> the prerogative of the Crown<sup>32</sup>, to degrade that prerogative, and if men must be put in the position of advising the representative of our Sovereign to call upon one of its servants to do that which the servant may tell them "you have no right to tell me to do;" if men are prepared in this country to place the representative of our Sovereign in that position, I am not the man, nor are my colleagues the men, to do it. (Hear, hear.) The prerogative of the Crown shall never be degraded as long as we are its guardians.<sup>33</sup> (Hear, hear.)<sup>34</sup> Let those men be sought for who will. I am assured that the hon. member for Toronto would be as careful probably of that prerogative of the crown if he had been placed in our position; but that hon. gentleman has his opinion with regard to this matter and we have ours. Our consciences would not lead us to do it, and I wish it to be understood, that having these strong feelings of the respect due to the prerogative of the crown, and these strong feelings with regard to the respect due to that Act which secures independence in the judges, so long as they do not conduct themselves so as to induce both Houses of Parliament to declare their opinion against them; with these strong opinions we came to the conclusion to allow that address to be presented by our successors if it should be proved that the intention of this House in voting that address was to declare that we no longer had the confidence of the country.<sup>35</sup> I trust, therefore, the House will not misunderstand our intentions, and will not consider that as the messengers of the House we did not do our duty. But as messengers of this House, and representatives of the Sovereign as well, we could not present that address without at the same time tendering that advice, which in our consciences we thought necessary at the time.<sup>36</sup> (Hear, hear.) Now I rise to call upon the House to rescind the vote which was taken the other night. I said, that though the course might be unprecedented in this country, yet it is not without precedent in the old. I had occasion to refer to the case of Baron Smith, which occurred in 1834, in England. Now sir, that was a case in which the manly integrity of the House of Commons was displayed to a most remarkable extent. In the first instance a committee was moved for by Mr. O'Connell, and certainly a strong prima facie case was made out against Baron Smith. It was made out with all that eloquence for which the mover was remarkable.--His view was supported with the strong influence which he wielded over the government of England at that time. He succeeded in carrying the

House away with him, and the motion was voted for by the majority of ninety-three members, comprising all the members of Her Majesty's Ministry then in the House, although an hour before they came into the House one of the Ministerial adherents had information that the Ministry intended to oppose the motion. Well, notwithstanding that the majority of 93 voted in favour of the Committee which was moved for, when Sir Edward Knatchbull came down eight days afterwards to move that that very motion be rescinded, that motion was carried also. It was carried by a majority of six, but it was rescinded, and men whose opinions certainly could not be looked upon as secondary to the opinions of any other in England, were in favour of the rescinding of that motion. And, sir, I think I could not do better in making this motion,<sup>37</sup> than to refer to some of the expressions made use of on that occasion by one of the greatest statesmen England ever possessed, by Sir Robert Peel himself. So far from considering that hon. gentlemen would stultify themselves, if I may use an expression not very classical, but one used in the English Parliament as well as here--so far from thinking that hon. gentlemen would stultify themselves by reconsidering their vote, Sir Robert Peel said that he considered the fact of a member rising in the House to make a motion to rescind<sup>38</sup> a test vote,<sup>39</sup> that he was paying a high compliment to the integrity and personal worth of the House. He says: "I consider that this motion implies a great compliment to this House. It implies a confidence in their integrity and moral courage thus to give them the opportunity of revising what they have once determined--and if they feel that determination to be wrong to reverse it. Numerous appeals have been made to the House to-night--appeals to false pride--appeals to the sense of shame and to the fear of ridicule. I well know the force of those appeals, and what obstacles they interpose to retracing the path upon which we have once entered. But yet<sup>40</sup> I feel confident that this House will deal with it, and whatever obstacles were opposed to it--that,<sup>41</sup> if this house shall be now convinced that they are placed in a critical and embarrassing situation--if they have reason to believe that the precedent which they are about to establish is pregnant with future danger--that the step which they have taken involves an act of injustice towards an individual, and that individual an aged and venerable Judge, and have that confidence in the impartiality, the good sense, the moral courage of this house, that I will not express a doubt that it will revoke a hasty and ill considered decision." At the close of his address he says, "on these grounds, considering that there is no specific charge against the Judge; that the charge vague and general as it is, if fully established, could not justify his removal from the bench--the partial censures, however qualified, must lower and degrade him in the public estimation--that there is no precedent for our proceeding--that the precedent if now established will be full of future evils. On all these grounds let us have the manliness and courage to revoke a decision hastily and inconsiderately formed--let us refuse from the mere suggestions of false pride and false shame to persevere in a manifest error and to embitter the few remaining days of a venerable judge, by listening to a frivolous and unfounded accusation."<sup>42</sup> This address must have the object to inquire into the nature of the charges, and whether the judge was justified in making the charge is the question."<sup>43</sup> Such was the opinion of Sir Robert Peel, and many of the leading men of the House concurred with him. Sir James Graham, when the motion for the organization of a Committee of enquiry was made, thought the matter was of such paramount importance, that he seceded from his colleagues and voted with Sir Robert Peel for Sir Robert Inglis's motion<sup>44</sup> upon the previous question, "That there is no precedent for our proceedings." They all took this ground, that no enquiry can be promoted against a judge, unless the object of that enquiry was to dismiss him from the bench--and, in that case, the enquiry can only take place in the manner pointed out by the statute. This doctrine was laid down more clearly by Mr. Frederick Shaw, who was then member for Dublin--a



professional member, and one of O'Connell's most successful political opponents, although he had been a friend of his, and had voted with him, upon the great question of "Catholic Emancipation." He says,<sup>45</sup> "this is a motion to enquire into the conduct of Baron Smith, with a view to his removal from the bench. The motion is--a motion for enquiring into the conduct of that learned Judge, also with a view to his removal from the bench; for I say that no other motion could be entertained; and with all respect for the authority of this House, I contend that it would be incompetent to the House to institute enquiry into the conduct of a Judge, with any other view than that of addressing the House for his removal; and that ground, I may observe, being a difficult one for the right hon. gentleman (Mr. Stanley) to maintain, he has carefully and dexterously avoided [it] to-night. If the conduct of a Judge could be enquired into with any other view than to address the Crown for his removal, then, I say, that the independence of the judicial bench is a mockery, and the statute referred to by my hon. friend (Sir Edward Knatchbull) as having been recommended by George III., is no better than waste paper. If every error of judgement which a judge may commit, is to be brought before this House, it would become a mere Court of Appeal (hear)."<sup>46</sup> Now, Sir, the opinion expressed, as I said before, by Sir James Graham and the other hon. gentlemen all agree with Sir Robert Peel's, and it is upon this ground that we consider we are entitled to claim from this House, a calm re-consideration of what has taken place. I call upon this House to survey the consequences of interfering with the charge of a Judge, or the conduct of a Judge, in any other way than by the mode pointed out by the "Independence Act". Well, we do not hesitate, we say, to thus call upon the House, holding that no man will feel himself bound by a vote which has been thus given inconsiderately; and every hon. member in this House who has reflected upon this vote, and may be convinced that the vote of some few<sup>47</sup> [OR] of the majority was wrong,<sup>48</sup> will imitate the noble example set by the House of Commons, and will declare that the recording of his vote was without that due deliberation upon his part, which the importance of the subject demanded. (Hear, hear.) If it was thought that the Government wished to shrink from the enquiry it would be different. Then no hon. gentleman pushing that enquiry should change his vote, but I say that the Government has never shrunk from it. (Hear, hear.) We wish, as soon as an enquiry can be had either by this House or by a Commission, that that enquiry may be made fully and searching[ly], and then I say that my hon. friend (Mr. Cameron) began at the wrong end by beginning with the Judge. He should have begun with the accuser; with the magistrate, who should have imprisoned those men<sup>49</sup>, but who, although holding affidavits against the offenders twenty-four or thirty-six hours after the assault, it is asserted, allowed them to escape. Then he may go up through the whole course of the investigation and may probe the evil to the core and in no one will he find more ready assistance than in myself in carrying out these enquiries<sup>50</sup>; but unfortunately he has adopted the course which we consider is calculated to strike a serious blow at the independence of the bench, and it is for this important reason that we have adopted the course that we have upon this occasion. Now I wish it to be clearly understood, that we stand not here to defend Judge Duval, or to accuse him; that we wish that the question of the duties of a judge should not be brought before this House. We are not a proper Court to carry on that enquiry. We are supposed to know nothing of what Judge Duval may have said; whereas it has been stated, that we wish to shield a judge who has done wrong, from punishment. No, Sir.<sup>51</sup> If Judge Duval has done wrong--if he has committed so serious a breach of duty, as to require the intervention of both of the deliberative branches of the Legislature, with a view to his dismissal, let this be proved against him. If any gentleman is satisfied of the truth of the charge made against him, let him bring forward the accusation and we shall enter on an enquiry. But we say that this address amounts to an accusation

resting upon no evidence which this House [can] rely upon, and it would be calculated to injure that learned Judge in the estimation of the public; and, therefore,<sup>52</sup> interfere with the administration of justice in his hands; and we say, that if after all it should turn out to be true, that Judge Duval never said anything of the kind, that is imputed to him; (and I have reason to believe that it will) if it turned out that he really did not give some doctrine embodied in the charge, then I am sure that all those who have voted in the manner they have done, merely judging from the facts of the case brought before them in a newspaper report or rumour, will very much regret the manner in which they have acted. But I do not call upon them to reconsider their vote upon that ground. We are not in a position, nor are we the proper tribunal to call upon this Judge<sup>53</sup> to say whether he did right or wrong unless the accusation be brought before us upon the grounds of the statute; but we call upon hon. gentlemen to reconsider their vote upon broad principles, those principles which we consider cannot be assailed without endangering the judiciary of the country, and consequently interfering with its peace and prosperity. I therefore<sup>54</sup> "move to rescind the resolution passed by this house on Monday the 10th instant, ordering such members of this house as are of the Executive Council to present an Address passed by this house on that day to his Excellency the Governor General, for a copy of the charge delivered by the Hon. Judge Duval, on the trial before the Criminal Court of Quebec, in the month of February last, of Kelly and others, for the murder of Edward Corrigan, and also to rescind the resolution ordering such Address, and that the portion of the journals referring to the Address be read."<sup>55</sup>

(141)

*On motion of the Honorable Mr. Attorney General Drummond, seconded by Mr. Solicitor General Smith,*

*Ordered, That the Entry in the Journals of this House, of Monday last, containing an Address to His Excellency for a Copy of the Charge delivered by the Honorable Judge Duval to the Jury on the Trial for the murder of Edward Corrigan, be now read.*

*And the same being read;*

*The Honorable Mr. Attorney General Drummond moved, seconded by Mr. Solicitor General Smith, and the Question being proposed, That the Resolution passed by this House, on Monday the tenth instant, ordering such Members of this House as are of the Executive Council to present an Address passed by this House on that day to His Excellency the Governor General for a Copy of the Charge delivered by the Honorable Judge Duval on the Trial before the Criminal Court of Quebec, in the month of February last, of Kelly and others, for the murder of Edward Corrigan, be rescinded; and*

(142)

*also, that the Resolution ordering such Address, be rescinded;*

MR. CAMERON.--I regret very much, Mr. Speaker, that the observations which the Attorney General has made to-night were not made on the occasion when I moved the address. (Hear, hear.) I feel, sir, that the difficulty in which the members of this House are placed, would have been avoided, if there had been any statement made by a member of the Government that they were prepared to offer to the people of this country an investigation into this matter, whether moved for by myself or any other independent member of this House, or whether it came from the Government themselves. And, when those observations are made now which have just been made by the Attorney General, we cannot but feel the greatest regret that those observations had not been made on a prior occasion. (Hear, hear.) Sir, I believe with the Attorney General that a considerable degree of courage is required in order to rescind a vote, where it has been wrongly given, but it is a courage which ought to be displayed if men

feel themselves in the position which the Attorney General has stated.--And did I feel myself at this moment, as the individual who moved that address, in a position to say that I was wrong, I would come forward unhesitatingly and would be willing to take whatever obloquy might be heaped upon me, on the floor of this House or outside of this House, or whatever ridicule I might be exposed to,<sup>56</sup> in order to atone for that wrong act. (Hear, hear.)<sup>57</sup> And [I] would say honestly and conscientiously that I believed my course was wrong, and that I was prepared to reverse my vote. But, Mr. Speaker, I am not in a position to say that I believe my course was wrong, and I am not in a position to say that I can reverse my vote. (Hear, hear.) I will endeavour to explain to the House again why I think my position was right, and the grounds on which I still adhere to it. It has been said, both within the walls of this House, though not upon its floor, and without the walls of this House, that in the observations I had made and the course I had taken I was aiming a blow purposely at the Government with a view to remove them from the position they occupied, while at the same moment I was dealing every day and every hour in fellowship with some of them, and never communicated to them my intentions. I am prepared here, Sir, as a member of this House, and as a man of honour, to say that that is not true. And I call upon any man, whether a Conservative member of this House, or a member of the Opposition, to say whether the rumours that I caucussed or canvassed to carry the Address among the Conservatives, or caballed among the Opposition to defeat the Government, contain one word of truth. If one gentleman can get up here and say I ever took such a course, I am ready to sit down silent and hide my face in dishonour<sup>58</sup>, [and] bear the condemnation of that House.<sup>59</sup> Sir, no man can have, no man ever had it in his power, and no man, so help me God, ever shall be able to say that at the moment that I was engaged in confidential communications with members of the Government, I was caballing against them (sic), and endeavouring to displace them from their position with a view to my own personal advancement.<sup>60</sup> (Hear, hear.) Such an accusation was, he would reiterate, utterly untrue.<sup>61</sup>

Hear, hear, from the Opposition.<sup>62</sup>

[MR. CAMERON continued:] Gentlemen surround me here who belong to the Conservative party, gentlemen are near me who belong to the Opposition. I ask them, one and all, any man of them, to get up in his place and say, if he can, not merely that I did not caucus or canvass or cabal, but that I asked one man to vote for the Address, except my hon. friend besides me<sup>63</sup> (Mr. Gamble)<sup>64</sup>, whom I asked to second it. I take it from the silence of hon. gentlemen in this House that they bear me out in the words I have uttered. (Hear, hear.) Because, [if] it had been put to me if I was prepared to put those gentlemen out, and vote that I had no confidence in them, I would have said that I was not prepared to turn them out, or to vote a want of confidence. But when in addition to that it has been said<sup>65</sup> with respect to a caucus which had excited some discussion,<sup>66</sup> that I have taken measures to form a party, and have been endeavouring to place myself at the head of that party, and to turn out those gentlemen, I can call on the hon. Attorney General West, and ask him, whether before the meeting which has been spoken of took place, I did not tell him it was to take place, and consulted him about it, and whether within an hour after it was over, I did not communicate its results to the Postmaster General and the Inspector General. They know it and I do hope that the House will excuse me, if in a matter personal to myself, in which I felt my honour concerned, I felt it necessary to make the observations I have made, that it might not be said that in any course I was taking I had caballed against the Government to turn them out, from an anxiety to obtain position for myself, and that while I professed to be friendly to them, behind their backs I had endeavoured to destroy them. I am glad I have had



this opportunity of stating thus much, and I am glad that the silence of the hon. gentlemen to whom I have appealed, shows to this House and to the country, that there is no ground for allegations that may have been made against me in reference to this matter. And had my hon. friend the Attorney General the other night come forward and stated that the Government were prepared either on my motion or any other motion to make an enquiry into this transaction, had he said that the Government felt that gross outrages had occurred in Lower Canada, and that they were prepared to make an enquiry--had they placed the matter in that position, had they said to me they were prepared to take that course, and asked me to withdraw my motion, there would have been no difficulty in the way of that course being taken. (Hear, hear.) But I did not so understand the observations made, and I regret deeply that I did not so understand them, because in that case the Government would not have been placed in the position in which they now are, in the position of asking the House to rescind a vote which many of its members conscientiously gave. But when they have got into that position, and tell the House that they had withheld from his Excellency the Governor General, the address this House had voted, (Hear, hear,) I feel that my hon. friend the Attorney General, and his colleagues, did commit a mistake, an error, and I cannot agree with the doctrine which has been laid down upon that point in reference to the manner in which the members of the Executive government should deal with an address moved for and carried in this House. And I must be allowed to say, that if this had been a matter on which the government had determined to take their stand as a constitutional question, the course they have pursued on this occasion would have been the right one; but if the question is dealt with as one of mere expediency, whether the course is one which ought to have been pursued or not to have been pursued, I consider myself as an independent member of the Legislature at liberty to express my own views upon it, and to vote according to my own conscientious convictions of what I believe to be right. The rule of the House, if I understand it aright, would have made me the party to carry the address to the Governor General, but if it be the rule that the members of the Executive government should have taken up that address, I do not see why they should not have complied with the order of the House. My idea of the position they should have assumed is this: that they should have presented the address as members of the House entrusted with the charge of it, and that then as his Excellency's constitutional advisers, they should have advised him as to the answer he was to give to it, and if their advice was that he should not demand the information sought, that they should then come down to the House and be prepared to sustain that course. (Hear, hear.) That is the course I think they should have pursued and in that respect, I think they were in error. Now, my hon. friend has not to-night any more than upon former occasions placed the question of the granting or not granting [of] this address on any constitutional ground. He has not asserted that the Crown had not the right to ask that which it could not command. He has not asserted that it was not a constitutional thing for us to have demanded this information from his Excellency. And I do not think it was what one would have expected from my hon. friend the Att'y Gen., that he would have used as an argument in answer to that, that because in every petty case in which a man might be interested as client or advocate he might make this House the arena where the battle of the Nisi Prius or Jury Court should be fought over again, that was a reason why in great matters<sup>67</sup> involving the peace and well-being of the country<sup>68</sup> this House was to abstain from all inquiry. I say that this is no answer. (Hear, hear.) I say also that I do not consider it necessary in all cases, and I cited authorities the other day to prove it, that in dealing with Judges, both branches of the Legislature should move at the same time, even since the Act securing the Independence of Judges was passed. In this connection I referred to the case of Judge Fox, where proceedings were taken by the House

of Commons without any reference to the House of Lords. And in the case built upon by the hon. Attorney General, the Solicitor General did not change his vote, nor did Lord Stanley, now Lord Derby, change his vote.<sup>69</sup>

MR. J. MORRISON (Niagara.)--Lord Derby did change his vote.<sup>70</sup>

MR. CAMERON.--I know there were many other distinguished members of the House of Commons who did not. And I find in the case I have before alluded to, of the motion made in regard to Lord Eldon by Lord Abercromby, that the motion went so far as to declare that the Judge sitting on the bench in the Court of Chancery had been guilty of a breach of the privileges of the House; and it was only lost by a very small majority. It appears then to me that we were not placing ourselves in any way in the position of endeavouring to interfere with the Independence of the Judges, or to subvert the true course of justice. No one can deny that this house is the grand inquest of the country. No one can deny that that is the position of the House of Commons in England, and that it is equally the position of what, is under our Constitution, the House of Commons of this country,--that this is the grand inquest to whom reference can be made, before whom all matters affecting the well-being of the people can be brought into investigation.<sup>71</sup> It could go into any subject, by its committees, in order to ascertain what it may desire to learn.<sup>72</sup> No doubt, in many cases of the conviction of criminals, where it has been sought to exercise the prerogative of mercy, judges have not been called upon for their charges, and it has been said that if called upon they might refuse them. But I do not think we are warranted to assume, when a high officer like a judge of the land is called on for his charge, in the first place that he is therefore treated as if he were guilty of a wrong, or in the next place that he will not furnish it. I do not think we are interfering with the independence of the Bench, or endeavouring to make the Crown press hardly on the Bench, when we ask the Crown to interfere, that the subject may be protected. (Hear, hear.) And if, as the Attorney General has said, we are to desire that men may walk abroad in the light of day, with their heads fearlessly erect, and without any danger of being shot down or stabbed in the open street, or set upon in peaceful assemblages--if we desire that the people of this country shall feel that they stand here shielded by the British Constitution and (sic) British laws, with the knowledge that they may worship their God according to their own faith, and without hesitation or fear express their opinions, then I say we ought to be no more afraid to interfere on the floor of this House for the protection of the subject, than we should be so that the prerogative of the Crown may interfere with the Bench. The position I assumed was as little likely to raise religious feud or discussion as any position that could possibly have been assumed. Nor was it assumed in hostility to my hon. friends on the Treasury Benches, but it was assumed because I believed that it was necessary that, in some way or other, the public mind should be quieted. It was not assumed on a newspaper report, but upon this ground, that I conceived we had a right to ask for a charge of a judge in any case of importance, where we considered the great interests of the country required it. (Hear, hear.) If I was mistaken in that--if that position was wrong, in point of constitutional law--then I should like to see the authorities which show that I was wrong, or which show that we are interfering with the independence of the judge, when we merely ask for that information which, if we had received it, must almost necessarily have precluded us, to a certain extent, from proceeding further. Because that man who was the criminal who, according to my hon. friend the Attorney-General's statement, whether arraigned, or accused, or not, had, in open day, slaughtered an innocent and unoffending individual--has escaped justice, and when it is alleged that he escaped because the charge of the judge was wrong in point of law, I say we

had the right to know whether it was so in regard to that charge, or whether justice had been escaped in consequence of it, or not. I say, we had a right to know that, in such a shape as would not interfere with the independence of the Bench, and in such a shape as the judge would have known did not interfere with the independence of the Bench. The Attorney-General has remarked that, to secure the independence of the judges, they can only be removed on the address of both Houses to the Crown. But it was against the Crown that the judges were to be protected--against the Crown, whose power of removal was restricted, and not against the people. They do not require to be protected against the people, who feel that in the purity of the administration of justice, is their own protection. And so long as the judge on the Bench administers justice in the way it ought to be administered, there need be no fear that the people will interfere with their independence. (Hear, hear.) The independence of the Bench was created in the days when the tyranny of the Crown, and the force of prerogative, were likely to press heavily upon it, and judges might be dismissed at the mere will and pleasure of the Crown. But it was never felt, in the days when Star Chambers had been abolished--in the days when secret inquisitions had been removed--it was never felt that the judges who were to make adjudications in broad daylight, and in open courts, needed protection against the power of the Commons, when the power of the Commons might be required to protect the liberty of the subject. I feel that that is the position in which we are placed in reference to this matter. I feel that I cannot conscientiously or honestly discharge the duty which I am here to perform, except by endeavouring to uphold the vote that I have already given. (Hear, hear.) If I felt that I was compromising the independence of the Bench, if I felt that I was in any way whatever, endeavouring to sully the ermine which the judges wear, that I was in any degree polluting the sacred stream of justice,--if I felt that, I would raise my voice no more in support of the position I have taken--I would be prepared to admit at once that I was wrong, and to say that the address ought not to be answered. But, Sir, I do not feel that the course I have pursued was wrong, or that it was a course which should have placed my hon. friends on the Treasury Benches in antagonism with many in this House prepared to support them, and that on a question which they themselves created as a mere question of expediency. And even if we are compelled to give a vote which may remove them from the position they occupy, and put in their places other men with whom we could not have such communion of feeling as we have with hon. gentlemen now on the Treasury Benches, then, however much I may regret it, however deeply I may feel that they should leave that position, just at the moment when they were endeavouring to make certain useful and necessary reforms--yet I cannot help feeling that I have done the duty myself which I owed to the country, and that the consequences may be left, as all consequences should be left, to the Divine Providence which overhangs us all. (Hear, hear.)<sup>73</sup>

MR. RANKIN was neither identified with the ministry nor with any factions on the opposite side of the House, but was at liberty freely to exercise his own judgment. The Attorney-General East had pleaded the unconstitutionality of the mode proposed to be adopted by the hon. member for Toronto, and that it was one which had few or no precedents, but he (Mr. Rankin) was no respecter of precedents.<sup>74</sup> He was a farmer, a man of untutored mind--who voted according to his own sincere convictions<sup>75</sup>, [and] he would not be mystified by the lawyers on either side of the House<sup>76</sup>. He was willing to give every argument advanced its due attention, but he always decided according to his own judgment of the matter presented for consideration.<sup>77</sup> They were told by the hon. member for Toronto that it was legal to move for the charge made on the occasion referred to; and he (Mr. Rankin) would look to no higher legal authority. The view he (Mr. Rankin) took of the case, was a peculiar



one. When the hon. member for Toronto brought forward the motion for the charge made by Judge Duval, he thought that it was a remarkable motion<sup>78</sup>, for he believed in the sovereignty of the people, and did not think any one so high that when placed in a particular position he could not be asked a question without offence.<sup>79</sup> The argument of his hon. friend, the member for Toronto, on Monday, he regarded as a rational one, and he agreed to it. Any law pronouncing a judge to be above the power and control of the legislature, he considered a bad one, and ought to be repealed.<sup>80</sup> It was well known, that the great source of all power was the people, and no law can exist that is not popular among the people.... If a judge is exempted from being influenced by public opinion, there is a defect in the law. On Tuesday morning last he was told by an honorable member of this House that the Government intended resigning; and he laughed at the idea; for he could not believe that they would have attached so much importance to so simple an act as that required of them. To account for this he would state that he had forgotten that there are fifty lawyers members of this House<sup>81</sup>--

A voice.--"Too many."<sup>82</sup>

[MR. RANKIN:] ... all anxious to raise themselves to the highest pinnacle of fame.<sup>83</sup> He had no confidence in the Government. And he thought that their coming to this House, and asking members to rescind the vote already given, was a piece of presumption. No man entertained a higher regard for a good government than he did; but he would not descend to the level of being a servile follower of any government. And when he saw the Ministry coming here as they did, he was of the opinion that it was only just adding insult to injury.<sup>84</sup> It was exceedingly wrong in the Ministry, in not presenting to his Excellency the address asked for.<sup>85</sup> [He] thought that it was not treating their masters--of which class he was, he having helped to sustain them in their place--with proper respect. And he would always exact from them the respect of servants. (Laughter.) The hon. member then ridiculed the idea of going to the country on so unimportant a matter; contending that the Ministry had not acted as they should in not giving notice of their course of action. It might be that they only decided on their course in the last hour; but still they should have taken the pains to acquaint the House with what Attorney General East had just announced.<sup>86</sup> They had also wronged some of their best friends by with[h]olding the knowledge of the course they meant to adopt.<sup>87</sup> If the hon. Attorney General had stated the other night, that he was prepared to pay due deference to the public opinion, he (Mr. Rankin) would have given him his support; and he was sure that the hon. member for Toronto would have done the same. It was his earnest wish that the Government should have acted in a proper spirit in this matter; but, it was his opinion, that they attached too much importance to this matter.<sup>88</sup> He might also mention that the member for Toronto had distinctly stated in caucus that he did not desire to embar[r]ass the ministry, and he thought ministers would be very wrong to resign, especially considering they had promised to bring in so many good bills<sup>89</sup>. He [Mr. Rankin] did not consider all the members of the Government useless men. The country are indebted to the gallant Knight for Hamilton, for the bringing forward of the Police Bill--which was, in his opinion, with one exception, the only good thing that has been brought forward by the Government. He took the liberty to lecture the Government on what they had done. They ought not to be unmindful of the fact that although there was not a probability, as matters now are, that a war would break out between England and America, that such a thing was not impossible; and it was the duty of the Government to look to the matter<sup>90</sup> [and] not to throw the country into confusion for the sake of maintaining the high and mighty position they had assumed.<sup>91</sup> Already there was a month of the public time wasted, and yet nothing has

been done. To come back to the matter now before the House; he was led to believe that the Government were prepared to make the enquiry that was asked for. He gave the Government credit for a fair share of common sense, and was sure that they were able to conduct the business of the country in the proper way. It was quite evident that the Government intended to make the enquiry asked for;<sup>92</sup> if they had not, he would not have voted to remove them from their places since he thought it a matter of minor importance, as it was, he was thoroughly satisfied at learning that the Government did mean to make inquiry into the charge of the Judge.--(Cries of No, no.)<sup>93</sup> Well they meant to make enquiry, and no matter in what way, so that enquiry was made.<sup>94</sup> But it was also evident that they lacked the moral courage to act promptly. The learned gentleman concluded by stating that he would not rescind the vote he had given for any Government in the world.<sup>95</sup> He would not so demean himself. He had acted conscientiously in his previous vote, and could not reverse what he had done.<sup>96</sup>

MR. LORANGER said, that he was of opinion that a Judge should not be questioned upon such matters except by impeachment of the House--it would be an infriengement (sic) of the independence of the judiciary, which ought not to be sanctioned by any free people. Under our constitution we were peculiarly a free people, and it had ever been a distinguishing characteristic of a free people, that they paid respect to the law and to those who had administered it. But still in proportion to their high veneration for that law, so ought to be their regard for the independence of the bench, and as the administration were actuated by a desire to maintain that independence, he trusted that they would be maintained by a majority of that House in the course which they had adopted. It had been argued in support of the motion of the hon. member for Toronto that the people were omnipotent, but it is a fact that they are not omnipotent of the law, and there were certain limits set to the powers of the freest people, and they should ever be mindful that they did not out-step them.<sup>97</sup> Le peuple est omnipotent, il est vrai, et pourtant, s'il veut rester libre, s'il tient à vivre heureux et prospère, il faut qu'il reconnaisse un maître, et ce maître, M. l'Orateur, devant lequel chacun doit s'incliner, le peuple lui-même sous peine de devenir l'esclave de ses passions, ce maître c'est la loi. Si le peuple nous donne plein pouvoir pour faire des lois, n'est-ce pas à la condition qu'il se soumettra à ces lois? Eh! bien, nous avons dans nos livres de statuts un acte qui garantit l'indépendance de la magistrature du pays; pourquoi serions-nous les premiers à porter la main sur cette indépendance? Pourquoi donnerions-nous cet exemple pernicieux d'une législature qui défait son propre ouvrage et manque de respect aux hommes qu'il est de l'intérêt de la société entière de considérer comme les plus honorables entre tous les hommes?<sup>98</sup> But we are told that the proceedings of a Judge on the Bench can be questioned by address to the Crown, calling upon him to furnish the nature of his charge to the jury--but what would be the use of asking that address, and what is the use of the Executive carrying such an address to the Governor General when it could not be complied with, for such would be the case in the event of the Judge not having written that charge, and further, that they could not conscientiously demand the Crown to call upon the Judge.<sup>99</sup>

Ces magistrats, comme les autres fonctionnaires, comme les autres membres de la nation, ont aussi leurs droits, leurs devoirs et leurs prérogatives. Nul ne saurait les en priver; il ne serait pas juste de le vouloir; il ne serait pas sage de le tenter. (Chauds applaudissements.) Et qu'arriverait-il si, armé de ces droits, le juge auquel on demande copie de son adresse au jury, refusait d'accorder cette demande? Cette omnipotence du peuple qu'on aime tant à faire valoir ne trouverait-elle pas en ce cas un échec de ce silence d'un fonctionnaire que nul ne peut forcer à parler?

M. l'Orateur, les rumeurs qui viennent d'accueillir mes dernières paroles semblent protester contre mon assertion; mais je la maintiens et chaque membre, je l'espère, l'acceptera aussi après avoir entendu mes explications. La loi nous indique la voie à suivre pour atteindre un magistrat fortement soupçonné d'un crime ou d'une faute qui, si elle est prouvée, doit le rendre inhabile à siéger en cour. Avons-nous le droit (sic) de nous écarter de cette voie que nous avons tracée nous-mêmes? Et si nous nous en écartons par malheur, le juge, placé hors de notre atteinte, n'a-t-il pas à son tour le droit de se faire de la loi un bouclier contre nous et de défier en quelque sorte notre volonté et celle de l'Exécutif? Il est vrai que le peuple, sortant de sa puissance légale pour employer cette omnipotence qui est innée en lui, peu[t], en dépit de la loi elle-même, forcer un magistrat et le priver de ses prérogatives. Mais pour avoir secoué le joug salutaire de la loi, le peuple en sera-t-il plus libre? ne sera-t-il pas devenu, au contraire, l'esclave de ses passions et de ses préjugés? Et est-ce à nous Canadiens, nous, le peuple le plus libre du monde, qu'on proposerait cette fausse liberté, mère de la licence, du désordre, et plus tard de la tyrannie? (Mouvement prolongé dans les bancs.)

Quant à moi, M. l'Orateur, si j'étais à la place du juge Duval et si, au nom de la Chambre, Son Excellence le Gouverneur-Général me demandait une copie de mon adresse au jury, je refuserais formellement de produire ce document. (Cris de oh! oh! écoutez.) Je refuserais parce que nul n'a le droit de m'obliger à me compromettre en écrivant de mémoire un très long discours prononcé, il y a déjà plusieurs semaines. Est-il raisonnable de s'attendre à ce qu'un juge se rappelle ses propres paroles employées dans telle et telle circonstance depuis longtemps passée? Et si la copie envoyée par le juge Duval était--non point une copie de son adresse au jury--mais une nouvelle adresse composée tranquillement dans son cabinet pour le besoin spécial de cette Chambre, qui voudrait y attacher la moindre importance? qui se soucierait de la lire? Et si ce magistrat répondant (sic) à la demande du Gouverneur lui-même, le simple intermédiaire entre la Chambre et le juge: "Je suis responsable dans l'exercice de mes fonctions, en vertu de la loi et non par votre bon plaisir; mes devoirs consistent à administrer la justice selon les lois du pays et ces lois m'enseignent qu'à moins de les avoir violées, je suis au-dessus de votre intervention; je veux donc me faire un bouclier de la loi?" Si telle était la réponse du juge, insisterions-nous encore? assurément non et notre fausse démarche, rendue inutile, serait loin de nous faire honneur.

Et, d'un autre côté, si le juge Duval veut bien envoyer cette copie au Gouverneur; si par hasard (sic) et par malheur aussi, notre requête se trouve accordée, quel précédent dangereux n'aurons-nous pas établi?<sup>100</sup> It would be very dangerous to establish such a principle, and doubly dangerous regarding the manner in which this dangerous precedent was established, not by the house at large, but only by a section, a large number of the members having been absent on the occasion. The house ought to bear in mind, that if they do adopt this principle today in a criminal case, they may be entitled upon to-morrow to interfere in civil cases.<sup>101</sup> Et alors où et quand nous arrêterons-nous, M. l'Orateur.... Demain, nous pourrions dépouiller les magistrats de toutes leurs autres prérogatives, demain nous pourrions porter la main sur les droits d'une autre classe de la société; sous prétexte que nous sommes le grand comité d'enquête du pays, nous demanderons à chaque juge compte de ses paroles dans tel et tel procès, souvent des plus insignifiants; ce que tout fonctionnaire judiciaire de la province aura pu faire ou dire, nous le voudrions savoir. Nous serons la grande cour d'appel du pays et chacun aura les mains pleines de requêtes, de réclamations, de plaintes, de dénonciations envoyées par une foule de commettants qui croiront devoir et pouvoir en appeler à nous des décisions d'un juge quelconque.



Assurément, M. l'Orateur, il ne se trouve pas dans cette chambre un membre qui plus que moi regrette le drame de St. Sylvestre, et l'impunité des coupables; néanmoins, je dis que parce que les hommes accusés de ce meurtre ont été déclarés innocents, ... (protestations sur plusieurs points; l'orateur continue avec beaucoup d'animation:--) ils sont innocents, M. l'Orateur, car la loi les a déclarés tels, et qui oserait, à la face d'un verdict, les déclarer assassins? En sommes-nous arrivés à ce point que la sentence d'un jury devient de nulle valeur et qu'un procès criminel n'est qu'une moquerie? (Sensation.) Je le redis: parce que ces hommes ont été déclarés innocents, nous voulons instituer une enquête; mais ce pourrait être le même résultat si d'autres accusés étaient déclarés coupables; c'est-à-dire que nous voudrions contrôler le verdict des juges, aussi bien que les paroles des juges; et le jury, M. l'Orateur, émanant directement du peuple comme nous, comme nous est pourtant souverain! Si cette pratique se répandait, et je ne vois pas pourquoi elle ne se répandrait point après en avoir donné le premier exemple, nous deviendrons à ce point tyranniques qu'autant vaudrait-il dire à un juge: "pourquoi avez-vous osé prononcer cette sentence contre nos désirs? c'est parce qu'elle n'est pas selon nos vues que nous allons vous soumettre à une enquête, épiloguer chacune de vos paroles, peser vos opinions, sonder votre raisonnement."<sup>102</sup> And if such demand could actually be complied with by a Judge, the next course they may take would be to question the Clerk of any court as to affixing his name to any public document, or the conduct of a Sheriff in carrying out such judgment.<sup>103</sup> Ici, à Toronto, il peut paraître à certains membres assez opportun et satisfaisant de demander à un magistrat Bas-Canadien compte de ce qu'il a pu dire dans une cour de justice; mais retournons la médaille, et qu'il me soit permis de demander aux Haut-Canadiens si, lorsque le gouvernement avait son siège à Québec, ils auraient aimé qu'un député Bas-Canadien proposât une enquête pour quelques paroles prononcées par Sir Robinson ou le juge McLean, dans les cours d'York ou de Peel, ou aux assises de Niagara! Un cri unanime serait parti des rangs de la représentation Haut-Canadienne pour protester contre un pareil procédé et c'est le cri que nous poussons aujourd'hui: on aurait objecté que le seul moyen d'intervenir entre ce juge et son devoir était de présenter conjointement avec l'autre branche de la Législature une adresse à Son Excellence le Gouverneur pour mettre ce juge en accusation, et c'est ce que nous objectons aujourd'hui.<sup>104</sup> It would be well for the House to consider well, that if they once opened the door to such irregular proceedings it may be some time before they could shut it again. If you once go beyond the limits, prescribed by the law, it will be difficult to know where to stop. In such case it was formerly the only course taken, to proceed by impeachment, but now there is no such power vested in this Province. He would caution the House to be careful how they interfered improperly or they may ultimately do away altogether with the laws of the lands, and the liberties of the people.<sup>105</sup> To-morrow you may do away with the rights of the judges, the rights of members of this House, and all rights.<sup>106</sup> He (Mr. L.) was firmly convinced that the vote given on this question was irregular--was contrary to law and subversive of the constitution, so far as the interference of this House is concerned. As the law was made for the purpose of protecting one subject the same as another. This House could not take away a man's property--neither could it take away these rights of the Judge which were as sacred as property.<sup>107</sup>

On a dit, M. l'Orateur, que le simple fait de remettre une adresse à Son Excellence n'était pas un acte ministériel et que les membres du cabinet auraient bien pu remettre cette adresse sans en faire le sujet de leurs conseils ou même en émettant devant Son Excellence telle opinion qu'il leur aurait plu d'exprimer contre la constitutionnalité de cette adresse. Monsieur l'Orateur, je crains qu'on ne se soit trop laissé aller à des raisons spécieuses. Les ministres sont choisis pour servir d'intermédiaire[s] entre la Chambre et le gouverneur, et toutes les fois qu'ils

remettent à ce haut fonctionnaire une adresse législative, ils remplissent un devoir ministériel. Il est vrai qu'ils n'étaient pas tenus de recommander cette adresse; mais ils se trouvaient dans la nécessité de conseiller Son Excellence à ce sujet<sup>108</sup>. (Hear, hear). The administration felt themselves placed in this position, that they were not prepared to give such advice to the Governor General. It was to be supposed that upon handing that address he would seek that advice, and viewing such address as against the principles of the constitution, they had no other course to take than the one they had taken, by coming down to this House and making known their intentions that they could not tender such advise (sic)<sup>109</sup>, and ... could not give that address in conformity with the will of the House. Even if this were not so, if on Monday they had presented the address, on Tuesday they must have been placed in the same position as to the necessity of giving advice. They therefore came down and told the House to show their want of confidence if they insisted on the address being presented<sup>110</sup>; on the contrary, if notwithstanding the course the Administration have taken this House still retains its confidence, they would be only doing an act of justice to pass a vote of confidence. The Administration had displayed an amount of courage in taking that course which was highly commendable, as they were not obliged to make known to the House that they could not give such advice to the Crown, and it proved that they were susceptible of, and jealous of the liberties of the people of Canada which were at stake.<sup>111</sup> The speaker then defended the motion to rescind as being strictly parliamentary.<sup>112</sup> L'hon. député d'Essex, qui se vante sans fard d'avoir du bon sens et trouvent (sic) très étonnant que d'autres aiment à faire montre de leurs talents, nous a dit que les ministres avaient ajouté l'insulte à l'injure en venant proposer à la Chambre d'annuler une résolution d'adresse qu'elle avait passée et en différant de présenter cette adresse au gouverneur en dépit du vote législatif....

Si c'était insulter la Chambre que de lui proposer d'annuler (sic) un vote antérieur, cette proposition insultante serait anti-parlementaire et grand nombre d'hommes d'Etat éminents qui ont fait de telles propositions s'en seraient donné de garde, par respect pour les convenances, pour eux-mêmes, pour leurs collègues, pour la majorité législative.

Ce privilège de proposer d'annuler (sic) un vote est une sauve-garde contre cette espèce de vivacité à laquelle les législatures populaires se laissent aller quelquefois, soit à la suite d'une discussion orageuse, soit après un discours puissant d'un éloquent orateur. Le législateur, soumis comme tous les humains à certains entraînements, peut se laisser surprendre; ne serait-il pas ridicule d'affirmer qu'il doit rester esclave de son vote? Ce serait fort beau et fort commode si ce vote n'enchaînait que le législateur qui l'a donné ou la chambre entière dont il fait partie; mais c'est tout un pays, le malheur d'une race quelquefois, la prospérité d'une nation qui se trouve[nt] au bout de ce vote, et en face de pareilles considérations, ne serait-il pas ridicule de la part d'un député de se grandir outre mesure et de se considérer comme énormément insulté si un ministre venait lui dire que peut-être il a donné son vote sous l'empire d'un excitement; qu'il a pu mieux réfléchir peut-être; qu'il peut se faire, qu'il regrette ce vote et que s'il en est ainsi, il a le privilège de revenir sur sa première décision?<sup>113</sup> He would remind the House that he (Mr. L.) had during the last session moved that the House in consequence of being taken by surprise should rescind its vote upon the seat of Government question which was carried, so that a precedent was established for the motion of the hon. Attorney General East.<sup>114</sup> The permission to rescind is for a protection against surprise and the absence of members. It applied in the present case. Three of the ministers were absent on Monday evening<sup>115</sup>, in addition to a large number of their supporters<sup>116</sup>, and the vote of this House was 48 to 44, making only 92, in place of 130.<sup>117</sup> Est-ce donc si singulier de vouloir que la Chambre entière se

prononce sur une question de cette importance? [Les ministres] ... n'ont-ils pas fait preuve d'une grande franchise en nous annonçant qu'ils ne voulaient pas entrer en conflit avec la Chambre et que peut-être après mûre réflexion ou au moyen d'un vote plus nombreux, nous reviendrons sur notre première décision?

Je dis, M. l'Orateur, qu'avec une Chambre plus complète les ministres sont très excusables d'espérer que le vote de lundi ... [pré]sence d'un grand nombre, cette motion n'aurait jamais passé. Celui qui l'a faite n'espérait pas lui-même un pareil succès.<sup>118</sup>

MR. CAMERON.--Oh! si.<sup>119</sup>

MR. LORANGER.--J'entends le député de Toronto protester qu'il s'attendait au triomphe de sa motion. Mais comme chacun savait quelles seraient les conséquences d'un pareil vote, il faut en conclure que ceux qui se sont prononcés contre la proposition savaient qu'ils donnaient leur appui aux ministres dans une question ministérielle; or, mon hon. ami, le député de Montréal, aurait-il voté comme il l'a fait s'il avait eu....<sup>120</sup>

MR. A. DORION.--Certainement oui.<sup>121</sup>

MR. LORANGER.--Je suis charmé de l'apprendre et je ne doute point de voir mon hon. ami appuyer le ministère pour faire annuler (sic) le vote de lundi. Cette question n'est pas, en effet, politique à ses yeux, ainsi qu'il vient de le donner à entendre par sa courte réponse; c'est le coeur, le sentiment qui dicte la décision que l'on doit prendre, et pour donner aux adversaires de la proposition Cameron une nouvelle occasion de la faire rejeter, j'espère voir l'hon. député de Montréal voter avec le ministère pour faire annuler (sic) le vote de lundi.<sup>122</sup>

Opposition cries of oh, oh!<sup>123</sup>

MR. A. DORION.--Je n'en ferai rien.<sup>124</sup>

MR. LORANGER.--A dire vrai, mon espoir était très faible, M. l'Orateur. Je connais ces députés et leur tactique, leurs principes et leurs arguments, leurs actes et leurs paroles au-dehors de cette Chambre. L'autre jour, c'était, disent-ils, une question qui intéressait le peuple du Bas-Canada tout entier et nous avons voté dans un sens; aujourd'hui la question reste la même, mais comme le ministère s'y est cramponné, décidé à se submerger si elle ne peut pas arriver à bon port, alors notre amour pour le peuple du Bas-Canada et pour la justice le cède à notre haine contre le ministère et voilà pourquoi nous sommes excusés et excusables--d'après nos principes du moins--en votant dans le sens contraire.<sup>125</sup>

MR. SICOTTE the SPEAKER.--A l'ordre.<sup>126</sup>

Plusieurs voix.--Continuez! continuez!<sup>127</sup>

[MR. LORANGER concluded:] As it had been argued that there was no precedent he would urge that there was precedent for such a course both here and in England, and he (Mr. L.) should vote for the motion.<sup>128</sup>

MR. WILSON said he was surprised that the hon. member for Laprairie should urge to this House, that it was unconstitutional for the Crown to ask a Judge for a report of any trial held before him. Sir, the hon. member for Toronto has ably



answered that point, and shown, that in every important trial where a conviction takes place, the government does ask for a report of the trial, and it is always given. Suppose, sir, that a conviction takes place on the charge of a Judge contrary to law, would not that properly be urged, as ground for the exercise of mercy?--And what sir, would the government do? Simply ask the Judge for a report of the trial<sup>129</sup>.

MR. AT. GEN. DRUMMOND.--Never. He is asked for the evidence.<sup>130</sup>

MR. WILSON contended that if the charge was erroneous, the Judge would be asked for it. The charge on this occasion was not asked for by way of accusation, but of elucidation<sup>131</sup>, and who, sir, ever charged that this was an encroachment on the independence (sic) of the Judges? But the hon. member for Laprairie, tells us, that to ask a Judge for this report is unconstitutional, and to ask the hon. Mr. Justice Duval for his report of his address, is to impugn his independence, nay more, that it is in contravention of the act rendering the Judges independent of the Crown. Every lawyer, sir, knows that this act did not change the relative position between the Crown and the Judges, except in one respect, it made them hold their offices during good behaviour, instead of during royal pleasure. It took away the right of the Crown to dismiss the Judges, except on the joint address of the Legislative Council and of this House. It made them independent only in this, that the Crown could not coerce them by the fear of dismissal<sup>132</sup>, but [it] did not do away with communications between the Crown and them.<sup>133</sup> In what way then, does the address affect the independence of the Judges? In no way, sir, whatever. He had abstained in the discussion of this question from any allusion to the unfortunate circumstances out of which this had arisen, and he took it from the Attorney General, that at a public fair, in the midst of peaceful pursuits, without provocation, a man had been murdered in the open day, in presence of numerous spectators, that the perpetrators of this deed had been at large till their trial, that after a trial at which the strongest proof of their guilt had been given they had been acquitted. He told us that it had been perpetrated by a handful of barbarous men who inhabited and kept in fear a remote part of the country, but he did not tell us that in the civilized city of Quebec, immediately after their acquittal, they had a procession, with flags and music, to celebrate their triumph; their triumph, he would not say, of race over race, but he would say, that it was a triumph over the majesty of the law, an outrage upon the feelings of right thinking men. Then, when an address was moved asking the Judge's charge, how was it met? The Attorney General East said it was unconstitutional for this House to ask the Crown for what it cannot command. The member for Toronto had answered that by showing beyond all question that the Crown could ask for what it could not command<sup>134</sup>, for it was not uncommon to ask for the judge's charge in the case of a conviction, and if asked in one case it may be asked in another. Had the question been stated that the charge was only asked in order to the judge's accusation he (Mr. Wilson) would have voted against it. The whole argument of the Attorney General was based upon the assumption that this address was called for by this hon. House in the view to accuse the learned judge. The very contrary was the case. It was put by the hon. member for Toronto with the view of allaying the feeling in the public mind, as such he voted for it.<sup>135</sup> The Attorney-General West did not put it on the same footing as the Attorney-General East, but on the footing that it was inexpedient to ask it. How could hon. gentlemen have expected the House to follow them when they were not even agreed among themselves upon a plain question of constitutional law, and as to the grounds on which they resisted the motion. (Hear, hear.) The debate was adjourned from Friday till Monday, and yet they did not scruple to assert that the House was taken by surprise.

Surprised, how? He supposed, at the want of union among the Government themselves, for, when the question came to be argued as one of pure law, the Government presented the not very respectable spectacle of one Attorney-General taking one view of it, and the other Attorney-General another. (Hear, hear.)<sup>136</sup>

MR. AT. GEN. J.A. MACDONALD.--No, that's not the case.<sup>137</sup>

Six o'clock having arrived, the House took a recess for an hour and a half. At half-past seven,<sup>138</sup>

MR. WILSON resumed.--In reply to the argument of the hon. member for Lapra[il]rie he would remark that it was not unconstitutional for this House to call upon the Judge for his charge. The Attorney (sic) General East had also argued that such course would be an infringement of the independence of the Judges; and if he could convince him (Mr. W.) he would at once withdraw his objections. In bringing before the attention of the House the Imperial Act, he would have desired to lay the principles there laid down in the same happy manner as had been done by the hon. member for Toronto.<sup>139</sup> But what was the object of that act? It was the Crown which had borne hard on the Judges. It was to protect the Judges from the Crown not the people, or that House that the act was passed. It provided that they were to hold their appointments not during pleasure, but so long as they behaved properly, and that they could only be dismissed on a joint address of the Legislative Assembly and Council. Every one knew that formerly in the two Provinces--in Lower Canada even down to 1843--the Judges had held their places at the pleasure of the Crown. The object of the act was to secure their independence--to render them independent of the Crown, not of the Houses of Parliament<sup>140</sup> or of public opinion. The Act provides as follows: "Be it therefore enacted, That the Judges of Her Majesty's Court of Queen's Bench shall hold their offices during good behaviour." It therefore must be obvious that it was in the power of the Governor General to remove them upon the joint address of the two Houses of the Legislature. There was however an appeal from such decision to the Privy Council. And this is the Act upon which the honorable the Attorney General forms his opinion, and takes the stand against the wishes of this House by refusing to forward the address of this House. He (Mr. W.) upon the previous discussion had stated, and so had the member for Toronto,<sup>141</sup> that when convictions took place, the government often applied to the Judge for a report of the trial, and the Judge gave the evidence and his opinion of the case.<sup>142</sup>

MR. PROV. SEC. CARTIER.--No! no! He is not bound to give it. He only gives it if he chooses.<sup>143</sup>

MR. WILSON said he would have it in any way the hon. gentleman wanted. It had never been argued that the Judge could not refuse it--all that was ever argued was that cases might arise, and that this was one, where this House might ask the Crown to request the Judge to give his charge, even though he might at his pleasure have refused to give it. If it was represented to the Crown that a man had been convicted in consequence of a matter of law having been erroneously laid down by a Judge, would not the government call for the Judge's report, or for the erroneous charge on which the man had been convicted? Had not cases of that kind occurred again and again, and the man been pardoned? If then, as had been argued by the learned member for Toronto, they could ask for it in cases of conviction, they could equally ask for it in cases of acquittal. (Hear, hear.)<sup>144</sup> They had been first told it was unconstitutional to ask for it, afterwards it was inexpedient to do so. They were told now that unless the House rescinded their resolution, ministers must

resign. No doubt there were cases in Britain where the House and Government had been taken by surprise, in which resolutions had been rescinded; but in this case there was no surprise. It was an adjourned debate from Friday to Monday. The matter had been fully discussed; the vote was deliberately given.<sup>145</sup> The Government did not suppose that this House would vote against the opinion of the learned officers of the Crown, but instead of taking that ground, it was their duty to have been present with their supporters, and it was not right that they should now tell the House that they must either rescind their vote or put it in that shape that it would imply the confidence of the House in the administration. The hon. member for Essex had stated that the administration were the servants of the House, and liable to be censured for not carrying out the wishes of the House, their masters. He (Mr. W.) did not wish to base his arguments upon any such low and degrading footing,<sup>146</sup> he would not put the ministry in the position of servants of this House in that menial view of it. He rather viewed them as statesmen entrusted with carrying on the affairs of the Province,<sup>147</sup> and as such to be treated with all due respect, considering the great responsibilities of their position<sup>148</sup>, and the country expected that the men occupying those benches should be equal to their position on all occasions. But the conduct of the Government since the beginning of this session had shown that they were not competent to fill the places they occupied.<sup>149</sup> There had been Attorneys General, sitting on those benches, one of whom was guilty of many sins of commission, the other of many of omission, but both were always found equal in the position in which he was placed, but the gentlemen opposite never. The House had ordered them to present an address to the representative of the sovereign. The Hon. Attorney General [Mr. Drummond] had said that the act of presenting that address was one they could not do without giving some advice one way or the other. They said that they could not consistently with their respect for the House, the Constitution, and themselves, advise the Crown to grant the prayer of the address and call upon the Judge for his charge.<sup>150</sup>

MR. AT. GEN. DRUMMOND said it was an act which should be accompanied with advice of some kind or other.<sup>151</sup>

[MR. WILSON said] it was in his judgment a very important constitutional question, how far a Government charged with an address, was justified in refusing to present it. He considered that they had no other alternative than to present the address<sup>152</sup> and such advice with it as may be deemed necessary, or at once to tell the House that they would not present it<sup>153</sup>, and the country must have expected that they would have adopted that course. They pleaded that they could not consent to infringe on the independence of the Judges. But in what way would it have infringed the independence of the Judges to have presented the Address, or for his Excellency to have asked for the information which it sought. There was not a Judge of the land but would comply with such a request, without thinking for a moment that it impugned his independence.<sup>154</sup>

MR. SOL. GEN. H. SMITH.--Not one of them would in Upper Canada.<sup>155</sup>

MR. WILSON would like to know how the Solicitor General asserted that so positively. Had the Government consulted the judges of Upper Canada on the point? One would suppose from the solemn denial which the Solicitor General gave to his assertion, that the Government had asked every one of them. Was that any interference with the independence of the judges?--But he (Mr. Wilson) took it for granted that no honest man, if asked, would refuse to state what he had really said on any particular occasion. (Hear, hear.)<sup>156</sup> For himself, he admitted he had said to the



Attorney General at the first blush that it was a monstrous proposition to make such a demand to the Judges. But on further reflection he had been convinced that that view of the case was erroneous, and that they had a right to ask, and having become convinced of this, should he not give effect to his more mature conviction rather than to adhere to a hastily framed opinion.<sup>157</sup>

MR. AT. GEN. DRUMMOND.--The hon. gentleman has a perfect right to rescind his opinion. (Laughter, and cries of hear, hear.)<sup>158</sup>

MR. WILSON continued: He did not desire to give a vote to break up the ministry, he would not vote to put them out now if his vote could do it, though he had no confidence in them and never had. He wanted them to stay there till they had run their race, and satisfied themselves and the country that they were not fit for the places they occupied.<sup>159</sup> There was one thing of which he wished to remind the hon. Attorney General, who was so anxious to maintain the independence of the bench. Did the hon. gentleman remember the occasion last session when the Speaker had committed a returning officer to gaol, and he sued out a writ of habeas corpus, which called in question the right of the House to send him to prison? The judge granted it, as he was bound on his oath to do to any one who applied for it, and what said the hon. Attorney General--why, that if any one of the judges should dare to interfere with this House, the direst vengeance would be invoked upon him. (Hear, hear.)--<sup>160</sup> It is true, the Attorney General may say that expression was only the first blush of the moment. But where was his idea of the independence of the Judges when he uttered that expression?<sup>161</sup> He had got enlightened since, and had now gone over to the other extreme. (Hear, hear.)<sup>162</sup> Judging from the past we may expect that the hon. gentleman will shortly inform us that that address is perfectly right.<sup>163</sup> The case presented on this motion then was, whether the House was to uphold the Government in refusing to carry out its wishes, when charged to deliver a message from the House to his Excellency. That was the ground on which the motion put it, and the Government could not flinch the responsibility of having disobeyed the orders of the House, and if they did it in one instance there was no guarantee for their not doing it in another.<sup>164</sup>

MR. J. MORRISON (Niagara).--They take the responsibility of it.<sup>165</sup>

MR. WILSON.--You take the responsibility when you persist then, to obey the commands of this House or refuse. The responsibility of a very dangerous precedent.<sup>166</sup> The course they should have taken should have been to carry that address to the Governor General with such advice they thought fit to tender on the occasion, and he (Mr. W.) would remark that those hon. gentlemen who sustain the Administration in any other way, would, they may rest assured, have to take upon themselves the consequence of doing so.<sup>167</sup> [He] would only say that it ill became any member, especially of the legal profession, to allow any deviation from the strict rule of right, in any case where our liberties were concerned. He did not care in what shape it was put, but he maintained that the Government should be held responsible for having deliberately in this instance disregarded that Constitution which we hold as the guarantee of our rights and liberties. (Hear, hear.)<sup>168</sup>

MR. J.S. MACDONALD did not conceive they need have any doubt of the constitutionality of the course adopted. Even if there were, and Ministers were convinced of it, they still were bound to present the Address.<sup>169</sup> The Attorney General West had taken the ground of expediency, because the head of the Government would then be put in the position to ask for what he could not enforce. If they ever had the

power to come down with a motion of impeachment, this was certainly one of those occasions. If they argued the question on the ground of expediency, it would be met with other arguments; but even on the ground of unconstitutionality there were cases in England of addresses which were absolutely unconstitutional, as was declared at the time, and in which, nevertheless, those addresses were presented to the throne, and had been respectfully answered. He instanced ... the case of the Danish Bonds. On two separate occasions addresses were voted advising the Queen to pay the sum demanded. The address had been so far amended on the occasion of the third presentation by omitting the recommendation to pay the bonds. The ministers opposed the address, but it was carried by a majority of 19. It was on that occasion argued that it would be unconstitutional to advise the Queen to pay money which had not been voted by the House of Commons<sup>170</sup>, yet Ministers presented the Address and brought down an answer from the Sovereign.<sup>171</sup> (The hon. member here read the address of the House and the Queen's answer to the address. The answer is very graciously worded, and expresses that the Queen would have great pleasure in complying with the wishes of the House of Commons whenever they should have provided the means of her doing so.) Now in the present case, although the address was constitutional, yet because it was inexpedient ministers refuse to obey the orders of the House<sup>172</sup>--thus adopting a course not only without preceden[t]s, but unconstitutional.<sup>173</sup> After the solemn decision which had been come to by the House, it was their clear and manifest duty not to oppose the presentation of the address, but to present it in obedience to that decision, and then, if in their opinion it were inexpedient, to advise his Excellency not to reply to the address and throw themselves openly upon the indulgence of the House. Where was there an instance of an address voted being not presented to the Crown? There were scores of precedents in favour of the practice.<sup>174</sup> In 1782, in Britain, when people were suffering from the effects of the war with the United States, the Commons had, after several ineffectual attempts, passed an Address calling for peace contrary to the opinions of Ministers.<sup>175</sup> Ministers showed the unconstitutionality of the address, yet it was presented and received 'graciously.--Now the House was visited with a threat--he did not say openly by ministers themselves, but by their supporters, (hear, hear,) that if their motion were not carried they would resign. Notwithstanding this it was the intention on that side to drive members into a plain and unequivocal expression of their opinion upon the question, itself. If ministers had stated honestly to the House that they could not recommend the address, the House would have paid due attention to their position, but the way in which they had acted was but a small inducement to pass a vote of confidence in their administration. They had had two days to consider the question; they were not taken by surprise; from Monday to Friday they had time to consider the question, and the tone of the House thereupon; and now when the decision was against them they were endeavouring to get the confidence of the House restored by a threat of dissolution or resignation.<sup>176</sup>

A voice--or neither.<sup>177</sup>

[MR. J.S. MACDONALD:] Very well; he would take it that way--or of neither. It was they who were responsible for the excitement produced throughout the Province. Everyone was anxious to know if Government would reclaim the confidence of the country, by an acknowledgment of their error. But no, they were too pure for that.<sup>178</sup> Ministers might use means such as had been used before, to get men to change their votes that were not too spotless or immaculate for that. Members could not shut their eyes to the arrivals of deputations about the seat of Government and railway assistance, and a pressure might be brought to bear on ministers in this way.<sup>179</sup> One would suppose, however, that it required no extraordinary skill to resuscitate

confidence in their supporters. Let them state boldly that they had recanted their opinion. If they now say they acted constitutionally, that was more than many members of the Government themselves pretended; if, on expediency, they could not support their case by precedent.<sup>180</sup> The Independence Act had not altered the position of the Judges respecting that House. Yet they had petitions asking for the dismissal of Judges for all sorts of causes addressed to the old Lower Canadian Parliament.<sup>181</sup>

A member said, this was on petition.<sup>182</sup>

[MR. J.S. MACDONALD:] Very well, they also went upon petition. There was one (taking it from the drawer of the desk)--<sup>183</sup>

A voice--not yet presented<sup>184</sup>.

[MR. J.S. MACDONALD continued:]--received to-day; he would read it to them. The hon. member proceeded to read the petition which was from Toronto, and which expressed a strong opinion respecting the charge lately made by Judge Duval. Now he should move before he sat down what would bring out the opinion of the country not on the original question of the request for the charge, but of the conduct of the Government in refusing to present their address. The result of this would probably be to some parties a greater disappointment than the ministers' refusal to carry the address to the throne. The hon. member here read the words of a printed petition which had been on another occasion presented to the throne. Honourable gentlemen would expect that such a petition as that would meet with objections on the score of constitutionality. Hon. members of the British House of Commons had, however, voted for it, and refused to reject it on the ground of being unconstitutional. There the ministers went for the motion of presentation--here they stood against it.<sup>185</sup> He also contended that the case quoted by the hon. Attorney General East, was not applicable to the present case<sup>186</sup>. The ministers themselves had voted for the motion, and had come down asking them to rescind their votes, and desiring their friends to follow their example. [Here] ... the ministers went against the motion themselves, and their supporters went against them, and now they desired to maintain their own position, but asked their supporters to change their votes. He thought there should be a direct vote on the conduct of ministers in refusing to present the address of this House, and that they should not get rid of the difficulty nor of the effects of the other evening by a side wind. They should know who were prepared to defend their consistency and the privileges of that House, and who were prepared to eat their words after a servile fashion on the demands of ministers.<sup>187</sup> Tell him to pass over such things without notice! to allow ministers thus to defeat the wishes of the country, expressed as they had been! It was a pretty state of things if ministers might do this, and then ask their friends to support them! He would move the previous question. Members would then have the opportunity of explaining, repeating, or changing their votes. The country ought to know their latest opinions. As to the threat of resigning their seats, he trusted members would take a manly stand, regardless of such threats, and if they could not get the address[s] carried up, at least not give way to the menaces of Government. The hon. member moved the previous question.<sup>188</sup>

The motion was seconded by MR. A. DORION.<sup>189</sup>

In reply to questions from several honorable gentlemen,<sup>190</sup>



MR. SICOTTE the SPEAKER read the rule in regard to the previous question, as follows--"That the previous question, until it is decided, shall preclude all amendment of the main question, and shall be in the following words: shall the main question be now put?"<sup>191</sup>

MR. AT. GEN. J.A. MACDONALD requested the Speaker to explain it further to the House.<sup>192</sup>

DR. MASSON wished the rule read in French, which having been done,<sup>193</sup>

MR. J.S. MACDONALD (Glengarry) alluded to the course taken by the ministry last year, in moving the previous question, on Mr. Brown's resolution in favour of Representation by Population. The effect of its being decided in the affirmative that the main question should now be put, precluded any amendment, and enabled members to vote definitely on Attorney General Drummond's motion.<sup>194</sup>

MR. AT. GEN. J.A. MACDONALD rose to say that the hon member for Glengarry had taken the course which had been expected of him. The Government considered they ought to call on the House to reconsider the previous question (hear, hear).<sup>195</sup> They had come down with a motion to that effect, and now, in order to trammel ministers and prevent a full discussion, the hon. members opposite moved the previous question.<sup>196</sup> His hon. friends from Toronto and Essex, as well as some hon. gentlemen opposite, having spoken at length on the question; hon. gentlemen in opposition, without giving the Government an opportunity of replying, and for the very purpose of preventing them--<sup>197</sup>

MR. SICOTTE the SPEAKER.--Order.<sup>198</sup>

MR. A. DORION (Montreal) rose to a point of order.<sup>199</sup>

An attempt was made by shouting from the ministerial benches to clamour bim (sic) down<sup>200</sup>.

MR. SICOTTE the SPEAKER insisted that the hon. gentleman should be heard.<sup>201</sup>

MR. A. DORION.--Je demande à tous les hons. députés qui m'entourent, de ce côté-ci de la Chambre aussi bien qu'en face de moi, si la motion principale n'est pas encore sujette à la discussion, après cette demande de question préalable? S'ils n'ont pas le même pouvoir qu'auparavant de discuter la question principale? et si cette demande de question préalable n'a pas simplement pour but d'empêcher tout amendement? (écoutez! écoutez!)<sup>202</sup>

MR. SICOTTE the SPEAKER.--The practice is to discuss the main question. (Hear, hear.)<sup>203</sup>

MR. AT. GEN. J.A. MACDONALD.--Is not the object of moving the previous question to stop discussion?<sup>204</sup>

MR. SICOTTE the SPEAKER then read from May's Parliamentary Proceedings, to the effect that strictly speaking, when the previous question was moved, it ought to preclude debate, but that the practice was, not to preclude debate but to discuss the main question in it.<sup>205</sup>

Cris de écoutez! écoutez! partis des bancs de l'opposition.<sup>206</sup>

MR. WILSON.--Je demande au contraire si le rappel à la question préalable n'est pas le moyen d'empêcher les hons. messieurs assis en face d'éviter le coup de la motion principale. (Ecoutez!) Je demande si l'effet de la motion faite par l'hon. député de Glengary n'est pas de prévenir tout amendement qui pourrait aider les hons. membres de l'autre côté à se débarrasser de la motion principale proposée par le procureur-général?<sup>207</sup>

Applaud. à gauche.<sup>208</sup>

MR. J.S. MACDONALD (de Glengary): J'avoue que tel est mon but.<sup>209</sup>

MR. GAMBLE.--Do I understand that, when the Speaker put the question, shall the Main Question be now puts (sic) if that is decided in the affirmative, no amendment can be moved?<sup>210</sup>

MR. SICOTTE the SPEAKER stated that that was a correct understanding of it.<sup>211</sup>

MR. SOL. GEN. H. SMITH.--The effect of it is that the putting of the question this night will be negatived, and we will be obliged to take the Debate on another day, and for that delay we hold hon. gentlemen opposite responsible.<sup>212</sup>

MR. AT. GEN. J.A. MACDONALD.--I hope that all the friends of the Administration will vote Nay on the previous question. (Ironical cries of Hear, hear.)<sup>213</sup>

MR. BROWN said he would not detain the House on the main question, as it had been fully discussed, and was perfectly well understood in the House, and in the country. But he desired to say a word as to the motion of his hon. friend from Glengary. The object was simply this--to secure that we shall have a direct division on the question submitted by the Government. (Hear, hear.) We have been made aware that an hon. member who supports the Government, has had placed in his hands an amendment, ready cut and dry, so framed as to evade the main issue, and enable the supporters of the Government in this House to shirk the question put by the Government. (Hear, hear.) My hon. friend's motion is to prevent that manoeuvre. We mean to force hon. gentlemen opposite to meet the issue fairly they themselves invoked--to say boldly before the country whether they are prepared to vote to-day as they voted on Monday, or to eat up their words at the dictation of Government. (Hear, hear.) I hope every one will understand the effect of my hon. friend's motion. The question to be put is this--"Shall the motion of the Attorney-General be now put?" If the House says it shall not be put, then the Government motion to rescind falls to the ground and the Government still stand with what they admit is a vote of want of confidence recorded against them. (Hear, hear.) I ask hon. gentlemen opposite whether they are prepared to vote in this way? If they are prepared to put on record that they do not wish the Attorney General's motion to be put to the vote? Look at the position they will thereby place themselves in.<sup>214</sup> Last session, on the question raised by him concerning representation by population, the framer had not only prevented any amendments, but had also attempted to stifle all discussion until Mr. Speaker had intervened and given them a hearing. And now what did Ministers propose to do? Were they to be allowed to play with the House in that way, after they had come down<sup>215</sup> with a vast assumption of honesty and manliness, vowing that they are resolved to make a bold appeal to the House to rescind its

resolution and stand or fall by its decision. And if they stifle that appeal--will it not be said that they never intended to make it, but secretly induced one of their own supporters to bring forward an amendment for the purpose of shirking that motion, and made their valiant speeches with full knowledge of what was coming.<sup>216</sup>

MR. SICOTTE the SPEAKER.--Order! It is not parliamentary to speak of an amendment which is not before the House.<sup>217</sup>

MR. BROWN.--I beg pardon, sir. The amendment is not before the House, and it is unparliamentary to speak of it.--And it is well it is not before the House, and I think we will be justified by the country in preventing it from coming before the House. (Hear, hear.) Did you mark, Sir, the consternation my hon. friend's motion threw into the Ministerial camp a few moments ago?--(Laughter.) Do you observe the sad state of excitement they are yet in? And what has produced this excitement? Why, simply this, that we forced the House to vote on the motion of which the hon. Attorney General deliberately gave notice on Tuesday, and has to-day told us the Government will resign if it fails to pass. (Hear, hear.) Now, is the country to be driven to the supposition that the hon. gentleman leading the Government, in the absence of the Premier, came down with his motion without the slightest intention of fairly putting it before the House?--that his anxiety for its adoption was all a picture--and that when he asked us to vote upon it, he knew that one of his friends was prepared with an amendment to prevent its being put? If these deductions are not to be made, why then so earnestly call upon their friends to vote ay on the previous question?<sup>218</sup> Were they to refuse to take a vote upon their own proposition to rescind the obnoxious vote? They were offered an appeal from what they call a party vote the other night, and they would not take it.<sup>219</sup> Why don't they say--we accept the propositions of the member for Glengary--we want a clear vote and no favour--we will stand or fall by the vote on the motion we have ourselves put? It is complimentary to a portion of the members of this House, and will raise their character when it is known that the government came down to rescind their vote, but met with so flat refusal, that they had to resort to such means as this to evade it. (Hear, hear.)<sup>220</sup> It showed them that ministers could not force men to eat their own words or reverse their deliberately recorded votes.<sup>221</sup> But sir, I think we have got the gentlemen in the right place.--(Laughter.) I think the motion of my hon. friend has brought clearly out what is the whole meaning of the ministerial motion. Every one will understand it.<sup>222</sup> Their conduct would show the country how low they would stoop to retain office.<sup>223</sup> They have brought down a motion, and solemnly declared that they will retire if it is not carried,--that they have no desire of keeping office, none at all,--and that if the House dare refuse to rescind its resolution, they will send in their resignation to-morrow. Now sir, here we bring in a motion to enable them to test this at once, without being troubled by any amendments, or any incidental matters to complicate it. And strangely enough our proposal is not well received. The very men who made the motion, spring up in alarm, and exclaim, "Oh! don't let this be put,--let us have another chance,--let us get it shoved off to another day, and we will bring down another motion by which we may get our necks out of the noose." (Laughter.) This is precisely their position. They may try to cover and elude it as they please, but this is their position. (Hear, hear.)<sup>224</sup> Was such a course not monstrous? They would hold the Government unconstitutionally for several days after the House had passed such a vote as they declared themselves to imply a withdrawal of confidence, and would employ all the influence of their position, and all sorts of artifice, to procure a reversal of that decision.<sup>225</sup> But, Mr. Speaker, this is just of a piece with the whole proceedings of the present



Administration. (Hear, hear.) And if one thing more than another could show the necessity of bringing this Coalition to an end, it is the proceeding of to-night. I ask, is it not an insult to this house, that hon. gentlemen in their position should have the house adjourned for several days, to consider this resolution, and thus secretly get up another resolution to avoid taking issue on it? I am sure the House, if it has a proper respect for its own dignity, will not support the hon. gentlemen in that course, but will vote yea--that the question shall be put. I believe this must be the feeling of every member of this House.<sup>226</sup>

No, no, from the Ministerial side.<sup>227</sup>

[MR. BROWN:] Then it is the course which the country will expect of them. (Hear, hear.) I trust hon. gentlemen on the Treasury Benches will yet remember the position they have taken, and not so sully the fame of the Cabinet of Canada, as to evade the grave issue which they themselves have presented to us. (Cheers.)<sup>228</sup>

MR. GAMBLE did not wonder that a gentleman holding the opinions of the hon. member for Lambton respecting the Administration should seek to embarrass them by every means in his power. He (Mr. Brown) desired to drive them from office, but he (Mr. G.) did not, and therefore should not act with the hon. member.<sup>229</sup> In voting for the address he never contemplated for one moment, that it would have jeopardised the position of the Government.--That position, it would be remembered, was one of their own choosing; and he, for one, would not be prepared to rescind his vote of Monday evening. He did not believe that what was right a day or two ago, was wrong now;<sup>230</sup> but he had no intention then as he had no desire now, by that or any other vote, to drive the present administration from office. He believed it was for the interests of the country that they should remain in and pass the measures which they had promised to bring before the House.<sup>231</sup> He knew that the feeling of the country was with the House in the address which had been lately passed, and he had wished to impress the Government with this fact, as he had done on a previous occasion in regard to the Separate School question.<sup>232</sup> What was that feeling when the report for the school question was under discussion? He had withdrawn the confidence which he had declared he had felt in the Government at the opening of the session.<sup>233</sup> Still, he did not wish to see the dissolution of the present Government, and was prepared to give them a general support.<sup>234</sup> He would, therefore, vote against the consideration of the previous question.<sup>235</sup>

MR. A. DORION, (of Montreal) then addressed the house, and alluded to the unparliamentary course of the Ministry in moving to rescind the vote of Monday, after they had declared that they did not know whether they enjoyed the confidence of the house or not. There was no precedent for such conduct.<sup>236</sup> The country would be able to judge the respect ministers had for themselves, the House and the country, when they held office while they had done nothing, and did not dare to take a division on a question which they had brought before the House.<sup>237</sup> [He] thought it singular that a Government which boasted of having two-thirds of the House in their favor--should, in bringing down one of their motions, ask their supporters to save them from the result of that motion. At the present moment they wanted to withdraw that motion, or carry an amendment which would completely nullify it. The hon. member for Laprairie was wrong when he ascribed motives to the Opposition, as the occasion of the late vote.<sup>238</sup> In explanation of the reason why he and his colleagues voted in the manner they had, he said, it was because they thought that the Ministry would have a large majority, and that in any case they would be able to control the Ministry. But they thought at that time that the ministry were right,

(hear, hear,) and that the motion of the hon. member for Toronto was not the proper course to take. He should have moved for a Committee of Enquiry into the conduct of Judge Duval, and into the whole trial, and the reason why the murderer was not brought to justice and condemned, and also as to the conduct of the jury and the law officers of the Crown.<sup>239</sup> The judge does not generally, almost never, write his address to a petty jury; therefore he felt they could not get it. But that was not altogether the ground on which they voted. The hon. and learned member did not wish simply a piece of paper with the charge, but an enquiry into all the circumstances of the miscarriage of justice. Even if Judge Duval's conduct was alone to be enquired into, the proper course was to bring witnesses to prove what the address was, and not to ask the judge to furnish it.<sup>240</sup> But the best course that the hon. member could have pursued would have been to move for a Committee of Enquiry into the whole criminal justice of Lower Canada. A motion might, however, be made for the notes of the Judge where the accused had been condemned<sup>241</sup>, but not in cases similar to the present.<sup>242</sup> The hon. member for Toronto had taken a course for which there was not a precedent to justify him. The precedents all show that the motions were all for committees of enquiry. The papers moved for, were the notes of the trial. He could cite no less an authority than Lord Brougham and Lord Denman in support of his views. Common sense demanded, the petition of citizens of Toronto had requested an enquiry generally into the matter. He had not the scruples felt by the member for Laprairie, that the address was unconstitutional. He voted upon quite different grounds. He thought the course proposed inexpedient and therefore a most improper one.<sup>243</sup> He did not think that the ministry would allow the question to go to a vote that night. The question did not present itself this evening as on Monday last. It was a vote of confidence that the ministry then wanted, and not to test whether they had it or not<sup>244</sup>, and as such he must vote against them, as he always had done. (Hear, hear.) He had no confidence in them and should express none. There was another ground on which he must vote against them.<sup>245</sup> The house by its vote had directed them to carry the address to the Governor, which they should have done, and then have come to the members on his (Mr. Dorion's) side of the house, and having said they had performed their mission, have said, "We now ask from you a vote of confidence," or if they did not want to carry that address to the Governor, they should have advised the Governor General immediately to dissolve Parliament. They had gone upon the sole ground of expediency in the course pursued. By the very act of keeping the subject down upon the journals of the House for three days, they had forfeited the confidence of the other side of the House.<sup>246</sup> The question now was, whether they were to uphold the privileges of the House, or allow Ministers to trample them under foot--for the privileges of the House had been infringed. If Ministers might put off a compliance with the wishes of that House for one day, they might for six days, or for weeks or months. It was said they would take the responsibility. Charles I. took the responsibility of calling parliaments together when he chose, and they knew the result; that course had never been held a constitutional one. He was sorry the question had come up as it had. He would always vote for a free and full enquiry not only into this case, but into the general administration of the law in Lower Canada. He would stop short at no step necessary to show to the people of the country that their lives and property would be safely protected by the law. Should a vote, after a full debate of two evenings deliberately passed, be rescinded? He thought it a most dangerous precedent. Ministers on the brink of ruin might come down once, twice, three times, as often as they chose, to get the reversal of a vote which implied a want of confidence. No question would ever be settled. Debates would be endless, and the responsibility of Ministers to that House little.<sup>247</sup> If it was allowed, there would be no end to such occurrences. The case which the Attorney General East had cited,

in which Mr. O'Connell had moved, was not in point here. The ministry had adopted a most extraordinary course. They had come and said "Gentlemen of the majority, you are mistaken--we do not ask you to rescind our vote--we do not admit we were wrong, but we come before you and ask you, the majority, to rescind the vote you have given because you were wrong." There was no precedent for such conduct in the whole English Parliamentary practice.<sup>248</sup> The hon. member then appealed to the ability and learning of the leaders of the Government to controvert what he had stated.<sup>249</sup>

MR. AT. GEN. J.A. MACDONALD thought the hon. member for Montreal was greatly in want of a reason for his change of opinion. Although that hon. gentleman voted the other night with the Government--although he felt fully convinced by the arguments then used in favor of the course adopted by Government--still he came forward on the present occasion to recant these views and vote against the government. He first attempted to change the issue altogether, and set aside the main question whether the Government were right or wrong in pursuing a course which they considered necessary in order to uphold the independence of the judiciary of the country--for that as to whether they were right or wrong in withholding the Address. That, however, did not at all affect the main question--the principle of the motion of the hon. member for Toronto, but was intended to conduce towards the party triumph he had in view. The hon. member for Montreal--anxious to get rid of the pledge he made to his country to support the independence of the Bench, more especially the bench of that part of the country whence he came, and which, above all others, he is called upon to uphold--tries to raise this side issue, and says, "although I believe the Ministry were right; acting constitutionally and according to principle--although I believe with you that the motion of the hon. member for Toronto was an attack on the independence of our judiciary"--for if he did not think so why did he vote with us? "yet, with the hope of gaining a party triumph,--in the miserable hope of defeating the Ministry, I will abandon my position, and support the principle contained in the resolution of the hon. member for Toronto." And thus he (Mr. Dorion) abandoned the opinions which he upheld but four days ago, (hear, hear.) What was the announcement made by the hon. Attorney General East, when he gave notice of his motion to rescind the original resolution of Monday last? His hon. friend then said that he believed the House had been hurried into a vote--that he wished to give them time to reconsider that vote--and therefore asked leave to bring forward his motion for the rescinding of the previous resolution. On that occasion, his hon. friend stated that as he believed that his colleagues and himself were pledged to support the independence of the judiciary of the Province, that they would be unworthy of occupying that proud position, if they allowed that independence to be prejudiced, and that a vote against the Government on that question should be considered by them a vote of want of confidence. With that view, his hon. friend brought his resolution down to the House--having every reason to expect that those members of the House who supported the Government when the motion of the honorable member for Toronto was under consideration, would still continue to maintain their position. Yet what did they find?--why, that hon. gentlemen opposite, who voted with the Government on Monday night--and we were aware of it before the hon. gentleman told us so--that these hon. gentlemen who, although in opposition, had previously voted with the Government, because they believed the Government were right--that those hon. gentlemen had changed their votes for the sake of a party triumph (hear, hear). They had voted with the Government in opposition to the motion of the hon. member for Toronto--and now they turn round and oppose the Government; voting for the motion of the hon. member for Toronto (hear, hear). What was the speech of his hon. friend from Toronto, in answer to the Attorney General East? He said, "I have no desire to



affect the independence of the Bench. If such an idea had dwelt in the mind of any person it was erroneous." And he also said, "Had the hon. Attorney General East made the same speech on Monday, as he did tonight, I would not have pressed my motion." He (Mr. McD) would say, on behalf of his colleague, that on Monday night he had attempted to do so on several occasions, but was stopped by the Speaker on the ground that any reference to the St. Sylvester murder, or the course pursued by the Government for the attainment of the ends of justice was altogether irrelevant to the question (hear, hear). His hon. and learned friend did on that occasion, try to lay before the House the views of the Government on this question,--that they were not only prepared to meet the question fairly, but anxiously courted an inquiry into all the circumstances connected with the murder--in the first place as to the murder itself--secondly, the lawless state of society in the very neighborhood where the murder was perpetrated--thirdly, the course pursued for the apprehension of the murderers--and fourthly, as to those causes which have contributed to defeat the ends of justice. His hon. friend felt very anxious to make that announcement--but was prevented from doing so. And in making the announcement he had done that evening, he [had] done no more than he had frequently--but unsuccessfully attempted to on Monday evening. After the announcement had been made that evening the hon. member for Toronto expressed his great gratification on hearing it--and regretted it had not been made on Monday night. The hon. member for Toronto was followed by the hon. member for Essex, who said--although while doing so, he occasionally gave us a sly rap--that while he could not consistently vote otherwise than he had done on Monday--yet, he had full confidence in the present administration and desired to see the present Ministry remain in office. (Hear, hear). They had also heard the language made use of by his hon. friend from West York, who although he seconded the motion of his hon. friend who sat beside him (Mr. Cameron), yet would not join in Opposition to the Government. The hon. gentleman (Mr. Macdonald) then proceeded to show, by reading a published account of Monday night's proceedings that his hon. colleague, Attorney General East, had been inter[r]upted by the Speaker, on a point of order, when he was about to make this explanation. And his hon. colleague not only then, but on several occasions during the debate endeavored to inform the House that the Government eagerly desired an investigation into this said matter. Had he been allowed an opportunity of doing so, he would have amply satisfied those gentlemen who then voted with the hon. member for Toronto, and who had announced their determination to do so again on this occasion. But he found this difference between those hon. gentlemen and the supporters of the hon. member for Montreal. Those gentlemen who previously voted against us, with the hon. member for Toronto, would not now desert the principles they conscientiously maintain, even for the sake of supporting the Government, while hon. gentlemen opposite who voted with the Government on Monday night, were willing to desert the principles for the sake of obtaining a party triumph, and thus sacrifice the independence of that judiciary they were pledged to support. (Hear, hear.) Here, again, the Government found that when the Attorney General came down with his motion those gentlemen whose support they had a right to expect--more particularly that of a gentleman so distinguished for ability and integrity as the hon. member for Montreal--they found that he and his friends who might have been reasonably expected to adhere to the votes they had previously given--had deserted them, and were determined to sacrifice their principles and consistency, in order to obtain a party triumph. The Government now found themselves mistaken in supposing they had lost the confidence of the House--that the vote of Monday night was not an opposition vote--and they accordingly took their course just about the time they found out that hon. gentlemen opposite were going to change their votes. The Government were then informed that the hon. member for

Niagara was going to make an amendment in the very words of his colleague, hon. Attorney General East. They knew, also, that his hon. friend from Brockville was coming down with a distinct vote of confidence in the administration.<sup>250</sup>

Loud applause and ironical cheers from the Opposition benches.<sup>251</sup>

[MR. AT. GEN. J.A. MACDONALD continued:] That was a motion, hon. gentlemen opposite did not want to hear. It was a motion the hon. member for Glengarry tried to prevent being heard. That hon. gentleman, with his remarkable facility for discovering everything hidden and secret, (laughter), found out that the member for Brockville intended proposing a vote of confidence in the Administration, and accordingly laid a trap for Government. Finding that the member for Montreal and his followers had changed their votes, he (the hon. member for Glengarry) resolved on taking a chance vote and beating the Administration. He would allow the Government to come down--soft, easy people as they were, having some faith in consistency--and then tell the Administration, "We have changed our votes and will vote against you, although by so doing we will infrienge (sic) on the independence of the judiciary of Lower Canada--eight taken from your side, added to eight on our side, make sixteen; so out you go and in we come." (Applause and laughter.) What a disappointment it must be to the hon. member for Glengarry, who would have been one of the immigrants. (Laughter.) That hon. gentleman had been sitting there, as did the Jews before the promised land--(laughter)--that land flowing with milk and honey which he so fully expected to enter. (Laughter.) But that hon. gentleman's hopes were frustrated by the motion of confidence in the Ministry; and he felt at once that the sentence of exile was passed. No more for him the land of fat things! No more for him place and patronage! (Cheers.) Henceforth he must sit on Mount Pisgah gazing hopelessly at the promised land. (Loud laughter.) Why did that hon. gentleman stop a vote of want of confidence in the Administration? Simply because he knew such a motion would not be carried. Because he knew as he (Mr. Macdonald) also knew and was proud of knowing, that the Government possessed the confidence of that House; and that hon. gentleman felt that the vote should not be communicated to the country that night at all events.--He (Mr. Macdonald) would therefore call on the friends of the Government to vote against the "previous question" moved by the hon. member for Glengarry. And if those gentlemen were anxious to give that support to the Government which they professed to be willing to give, he called on them to vote against that motion. The hon. gentleman resumed his seat after some further observations.<sup>252</sup>

MR. PAPIN spoke at length in French<sup>253</sup>. [He] said he had voted, as he did on all occasions, according to his conscience. He had voted against the motion because he did not choose, nor think it proper, to make enquiry into the conduct of Judges, unless there were accusations against them, but the member for Toronto declared he made no such charge. But what had been the conduct of the Ministry since? They refused to do their duty, by not presenting the address. He thought the demand to rescind their votes, which they now made on their friends was decidedly unconstitutional. It was a statement that they relied on the servility of the House: one of two things, either the majority must have voted against their consciences, or they must now descend to the lowest servility for the Ministry. The Ministry, in fact, by their conduct, exhibited to all the world, their friends corrupted and subjugated by the charms of the patronage which the government party enjoyed. He had explained why he voted against the motion of Mr. Cameron. The reason for his vote at present was perfectly simple. It was the business of the ministry to cause the decisions of the House to be respected by the ministry. In fact, the whole ground of the offence had been changed. It was at first a question whether the House should pass a certain

address. Now the Atty. General distinctly stated that the vote was on the question of confidence or no confidence. And, of course, the opposition could not vote for the first; but the most extraordinary thing was to see the ministry venture to call on their friends to vote against putting simply that motion which Mr. Drummond had proposed as a test of the confidence reposed by the House in them. This was a new and easy mode of getting a vote of confidence, and when it could be gained in no other way, it would hereafter be done by saying, vote not to allow to be put to the vote that proposition which we have ourselves submitted to the House. The ministry had found that some of their Upper Canada friends were too independent to rescind their votes; but they had said: "Oh! we are still safe--we have our friends from Lower Canada and they will listen to us when we ask them to vote that the motion we propose shall not be submitted." Thus the liberal party had been separated by the unfortunate coalition which had been made for the sacrifice of the liberal, and the elevation of the old tory family compact party of Upper Canada. This he had long known would be the case, and, on the first occasion, when he spoke, after the coalition had been formed, he warned his Lower Canadian friends against what he foresaw had happened.<sup>254</sup>

MR. MACKENZIE said the present affair was the most extraordinary that had happened within his experience of 30 years as a legislator. The Attorney General comes to us and tells us that a man has been murdered in open day, and that his slayers have not been punished. And yet he proposes no inquiry, no investigation. He held in his hand a petition embracing some 700 or 800 of the most respectable citizens of Toronto, in which a strict and impartial inquiry is demanded at the hands of the Government. What followed the disgraceful murder of Corrigan? The military were called out and, even while in pursuit, their lives were endangered on the railway. They effected nothing. The men then supposed to be guilty came to Quebec voluntarily, as soon as they were told they could do so safely; they were tried and, from all that he had heard, the levity displayed in Court was most disgraceful and indecent.<sup>255</sup> The whole character of that trial was a degrading farce. Now, on Tuesday, the two Attorneys General had declared that they had not the confidence of the country and would not suppose they had until the vote of Monday was rescinded. How was it now that they would believe that they had the confidence of the country though they could not get a vote. How was it they wanted a vote at three o'clock, and did not want it at ten o'clock.<sup>256</sup> If the Government are not afraid to meet the vote let them take it now; in order that we may see who those are that support them.<sup>257</sup> He was no party-man in matters pertaining to the Administration, and could therefore speak freely on the question. Referring to the riots of 1832 in Montreal, of the Gavazzi riots and other similar occurrences; he said that he deeply sympathized with the victims of outraged humanity<sup>258</sup>--and so, now, with the persons exposed to murder, without protection, in Lower Canada. He read an extract from the report of Lord Durham, condemning the verdict of the jury in the case of Chartrand.<sup>259</sup> He cited examples to show that no justice was obtained in cases where Protestants were concerned. Why is it that crime is unpunished and justice perverted? Whether a precedent or not, where is the Judge who will not give up his notes? But, as in the case of<sup>260</sup> Chief Justice Holt in England, and Judge Hagerman in this country, both of whom when charged with mal-administration of their duties refused to answer questions affecting their own conduct<sup>261</sup>, he may say that he will not answer the demand for investigation. Now what harm is there in Judge Duval giving up his notes? And how can this Government, when they see the most honoured of the citizens of Toronto come forward and ask for this inquiry, ask for a vote of confidence.<sup>262</sup> Suppose an Irish Catholic had been killed in Walpole, and that eight hundred people in Quebec had ... petitioned for redress, what would the people say if the House sat still and



refused to make any enquiry? He feared that justice was in abeyance in the part of the country where this took place. He then alluded to the scandalous acts which took place at Terrebonne at the last elections, and said that the lawlessness on that occasion convinced him that something was wrong there. He feared that if the truth was known, at the bottom of all this illegality would be found the stimulation of the Government gold, employed in corrupting the people for electioneering purposes.<sup>263</sup> He thought the hands of some gentlemen of the House would not be clean of the guilt.<sup>264</sup> One thing, however, seems to be established--that the criminal law in Lower Canada is a mere delusion. As long as justice was administered it mattered not who was on the ministerial side of the House. There was not an instance among us of such a vote been (*sic*) given as that now called for. The state of Lower Canada needed to be looked into.<sup>265</sup> He deprecated being supposed to be actuated by religious prejudices in voting as he did, and assured the House that he would have voted as he had done, if the murdered man had been a Roman Catholic in place of a Protestant.<sup>266</sup> The Lower Canada members may say they are as careful of Protestant as of Roman Catholic interests. But he did not envy those who would vote against this investigation and plume themselves on their victory.<sup>267</sup> He then condemned the conduct of the Ministry for refusing to make the Governor acquainted with the wishes of Parliament, and then referred to a committee which in 1829 had been appointed to enquire into the trial of Francis Collins, a very respectable Irish Catholic, and contended that a similar enquiry could be made now. Wealth and property was nothing to any man; but to see a man go out from his farm to a public duty, and see him brought home dead, was something which was enough to make one shudder.<sup>268</sup> He would remind the Attorney-General East, that the blood of the murdered man was not yet atoned for. What, continued the speaker, would that hon. gentleman think, if his wife and family were mourning his death; what would he think under such circumstances. (Roars of laughter.) Although he did commit a blunder he would tell the House it was a most serious matter.<sup>269</sup> How, he would ask, could a Protestant or Roman Catholic vote for that man, while he refuses to make any inquiry into so serious a crime? The Government say they will not make any inquiry. Had there been any disposition to inquire, he (Mr. Mackenzie) would not have hindered the House a single moment. He thought the member for Toronto did not go far enough. He merely asked for the charge of the Judge, while he (Mr. Mackenzie)<sup>270</sup> agreed with Mr. [A.] Dorion that it was not the most effective way of securing the ends of justice. He thought a thorough investigation should have been ordered by the House into the whole particulars of the trial.<sup>271</sup> He concluded by reading the petition from the people of Toronto, and by saying that the Ministry might think they would have a triumph, but it would be a triumph over right, over law, and over civilization.<sup>272</sup> (Cries of "question, question.")<sup>273</sup>

MR. CAMERON wished to say a word before the question was put. He would distinctly state that in voting against the putting of the main question, he and others with him, did not rescind their previous vote. He considered that they were in a position where they could not rescind. It would be no rescinding of their former vote to vote against the putting of the main question.<sup>274</sup>

The House then divided on Mr. J.S. Macdonald's motion that the previous question be now put<sup>275</sup>.

(142)

*The Honorable John Sandfield Macdonald moved, seconded by Mr. Antoine Aimé Dorion, and the Previous Question being put, That that Question be now put; the House divided; and the names being called for, they were taken down, as follow:--*

## YEAS.

Messieurs Aikins, Bourassa, Brown, Bureau, Christie, Cooke, Charles Daoust, Darche, DeLong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Freeman, Galt, Gould, Hartman, Holton, Huot, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Murney, Papin, Patrick, Prévost, Rolph, Sanborn, Scatcherd, Valois, Wilson, Wright, and Young.--(42.)

## NAYS.

Messieurs Alleyn, Bell, Bellingham, Biggar, Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Ocatave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Polette, Poulin, Pouliot, Powell, Price, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, and Yeilding.--(75.)

*So it passed in the Negative.*<sup>276</sup>

Immediately on the vote being taken,<sup>277</sup>

MR. J. MORRISON said he trusted those hon. gentlemen who were so anxious for an enquiry, would vote for the motion he intended now to submit, and which he intended to move as an amendment to the motion which was before the House,--"That a committee of seven members be appointed to enquire into the cause of the failure of justice in the case of the trial of the murderers of Corrigan--said committee to consist of Hon. Mr. Cameron..., Messrs. Drummond, Loranger, Rhodes, Galt, Turcotte and Crawford."<sup>278</sup>

MR. MACKENZIE and other members expressed their readiness to vote for the motion<sup>279</sup>.

MR. J.S. MACDONALD objected to the motion being put<sup>280</sup> without previous notice<sup>281</sup>.

MR. SICOTTE the SPEAKER said it could not be put at present.<sup>282</sup>

MR. J. MORRISON.--Then I place it on the table as a notice of motion.<sup>283</sup>

The motion ... was therefore allowed to stand over as a notice of motion.<sup>284</sup>

MR. J.S. MACDONALD said he would give notice of a motion which he intended to move on Monday next,<sup>285</sup> "That it be resolved that the members of the Executive Council charged to present the Address of this House, passed on the 10th instant, for a copy of the charge delivered by the Hon. Judge Duval, on the trial before the Criminal Court at Quebec, in the month of February last, of Kelly and others, for the murder of Edward Corrigan, having announced their refusal to present the said Address, are guilty of a gross breach of the privileges of this House, and of the usages of parliament."<sup>286</sup>

MR. CRAWFORD said he had a motion to move, which he thought would share the same fate as that of the hon. member for Niagara. He thought it was about time they were beginning to do something now. He would therefore move, that Her Majesty's Ministers do possess the confidence of this House, and that the rule of this House be suspended so far as applies to this motion.<sup>287</sup>

MR. SICOTTE the SPEAKER said that the motion could not be put to-night.<sup>288</sup>

MR. CRAWFORD said he would leave it as a motion<sup>289</sup> to be renewed on Monday.<sup>290</sup>

Amidst the laughter of the House this also was deposited on the clerk's table as a notice.<sup>291</sup>

MR. AT. GEN. DRUMMOND then rose and said:--I stated to the House on a former occasion that the Government viewed the vote of Monday as an indication that they had lost the confidence of this House,<sup>292</sup> [and] the Ministry had resolved not to present the address to His Excellency, so long as they were not assured that they had the confidence of the House.<sup>293</sup> But I have now to announce that we have been assured by the proceedings of this night, that we were mistaken in that impression. (Ironical cheers.) I have also to state that we are now prepared to carry the address in question to the Governor General--(more ironical cheers)--and to tender him such advice in regard to it as we may consider necessary.<sup>294</sup> (Hear, hear.)<sup>295</sup> Our object in bringing forward the motion of which I gave notice the other day was to test the question as to whether we did possess the confidence of this House or not. And perceiving that our friends were anxious to do what we could not do, to do that directly which we could only do indirectly, we felt ourselves at once restored to the privilege of advising the representatives (*sic*) of the Sovereign, and were at once prepared to obey the behests of this House and to tender him the advice which we think<sup>296</sup> consistent with the constitutional view of the question--and I hesitate not to say that that advice will be that His Excellency has no power to command any Judge to deliver his charge to this House.<sup>297</sup> I might have stated a fact before, which might have changed the sentiments of many in this House, but I did not wish to put it on a personal ground, on the ground of an inquiry into the conduct of a learned Judge. But I can now communicate information which I have no doubt will be received with satisfaction by all hon. gentlemen to whatever party they may belong--information which has reached me unsolicited and spontaneously from the learned Judge whose conduct is impugned. No member of the ministry, nor any friend of the ministry communicated with him that I am aware of, but this day before I came into this House, I received the following telegraph from Judge Duval:--

"I have written you denying the correctness of the report of my charge. I took the rule of law on the responsibility of persons acting in concert from Roscoe, page 84, then lying before me on the bench."

I believe, continued the Attorney General, that it was only that point of the Judge's conduct that was impugned. But I withheld this information till now, that it might not be said that we had done indirectly what we had no right to do directly. We came forward to test the question whether we possessed the confidence of this House, and I do rejoice to find that we possess the confidence of a large majority. (Ironical cheers.) And we therefore feel ourselves in a position to present that address to his Excellency, and to tender him that advice which will protect the independence of the Bench<sup>298</sup>, which we consider essential to the well-being, to the peace and prosperity of the country<sup>299</sup>, and at the same time not violate our consciences.<sup>300</sup>



This announcement was received with great applause by the House<sup>301</sup> [OR with] ironical cheers.<sup>302</sup>

MR. J.S. MACDONALD said all the House had heard of that letter since the morning.<sup>303</sup>

MR. AT. GEN DRUMMOND asked how, and at what hour?<sup>304</sup>

La séance est levée au milieu de mille conversations.<sup>305</sup>

(142)

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by Mr. Loranger,  
The House adjourned.*<sup>306</sup>

1. In a commentary about today's session, MONTREAL GAZETTE, 19 March 1856, provides the following remarks regarding the atmosphere that prevailed at the opening of the Chamber: "Long ere the House met to-day, that part of the floor assigned to strangers and Legislative Councilors was crowded, and the lobbies were crowded almost to suffocation with men, women, and youths, of both sexes desiring to see the great senatorial combat. There was such a charming air of mystery about the result, that bets were being freely exchanged on the probabilities of an adverse vote, of a break up of the Ministry and a dissolution, and every one was most eager to know what the leader had to say. Some brilliant speeches were expected. At almost fifteen minutes to 3 o'clock the Sergeant at Arms and his assistants began the difficult task of clearing the floor of the House until the minutes should be read &c. The people squeezed in here must be squeezed out into the lobbies, which were squeezed full already. After almost superhuman exertion, however, the task is performed. The speaker comes in and the order goes 'Open the doors.' Then commenced such a scene at the door of the Speaker's or Lady's Gallery as one seldom witnesses. Three steep steps lead down from the corridor to that gallery, and when the door is opened, the impatient masses behind push lady after lady down those steps at the i[m]minent danger of breaking their necks. Never before had I seen such an array of the haut ton of Toronto gathered together here. Poor creatures, how I pitied them as the crowd came thronging in after them gradually diminishing the space in which they stood or sat. Squeezed, pushed, and elbowed about, they must have deemed the Parliament House the greatest bear garden they were ever in. So great is the crowd through this door that they overflow into the strangers' gallery, the door of which is kept closed until the people had all come in who were in waiting at the other. Though the Speaker was in the chair there were men with their hats on clambering over to the front seat of the st[r]angers' gallery, and a habbub and bustle going on like to that one sometimes witnesses at the door of a circus tent. Now the strangers' gallery opens, and with a terrific rush the hoi polloi rush in. It is full, but still they come, and men groan again at the compression of their ribs by their too numerous neighbors. Even the reporters' gallery, though locked up from the outer world, and only accessible by means of reporters' latchkeys, is by some mysterious process invaded, and writing is pursued for the time under no slight difficulties. The evening brought a repetition of the same scene, perhaps even a little intensified. There was more loud groaning in the gallery, and I saw one young man skipping about on the heads and shoulders of the compact mass which lined its floor."

LA MINERVE, 26 March 1856, reports the following comment: "Jamais, même aux jours des discussions les plus orageuses sur l'adresse en réponse au discours du trône, les portes du Parlement n'ont été battues par un flot de curieux aussi impétueux que celui qui inonde aujourd'hui toutes les avenues de la Chambre législative. Parmi les hommes, les sombres figures des Orangistes se trouvent en grande majorité; ... mais, comme un agréable contraste, la phalange des dames s'est recrutée de tout ce que Toronto renferme de plus élégant et de plus joli, et pour leur faire honneur, autant que pour être à la hauteur des éventualités, la plupart des députés--ceux du moins qui comme M. John Sandfield McDonald espèrent sortir ministres de la lutte--arrivent vêtus de leur[s] plus beaux habits."

2. According to GLOBE, 14 March 1856, Mr. Frazer also presented a petition from "William James and others, of Thorold, praying an act to make vessels holden when sea stores, &c., are furnished to such vessels when passing through the canals, &c., of the Province".

3. GLOBE, 11 March 1856, differs from the JOURNALS and reports that the petitioners are "praying that compensation may be granted them for certain annual returns they are obliged to make, under penalty by Act of Parliament, [16 Vic.] cap. 163".
4. GLOBE, 11 March 1856, specifies that these petitioners are "praying for an inquiry to be made into the past and present state of the said University, with the view of ascertaining whether the abolition of the Faculties of Law and Medicine has in any manner advanced the interests of the institution, or whether it has not been, in fact, prejudicial to the true objects for which the University was established, and if the latter be the case, praying that Parliament will favourably consider the re-establishment of those Faculties, and the restoration of their Professorships."
5. The text of this petition has been retranscribed in full in TORONTO DAILY LEADER, 11 March 1856.
6. GLOBE, 12 March 1856, specifies that the object of this petition is to pray "for redress of grievances in the matter of stopping at Montreal during the navigation of the river."
7. GLOBE, 12 March 1856, specifies that the object of this petition is to pray "for redress of grievances in a matter pertaining to the construction of a bridge across the river Humber by the Hamilton and Toronto Railway Company."
8. According to GLOBE, 12 March 1856, this petition also prays for an Act "to authorize the lease of the Buffalo, Brantford, and Goderich Railroad to the Buffalo and Lake Huron Railway Company".
9. GLOBE, 14 March 1856.
10. TORONTO DAILY LEADER, 14 March 1856.
11. GLOBE, 14 March 1856.
12. TORONTO DAILY LEADER, 14 March 1856.
13. GLOBE, 14 March 1856.
14. TORONTO DAILY LEADER, 14 March 1856.
15. GLOBE, 14 March 1856.
16. TORONTO DAILY LEADER, 14 March 1856.
17. GLOBE, 14 March 1856.
18. TORONTO DAILY LEADER, 14 March 1856.
19. GLOBE, 14 March 1856.
20. MONTREAL GAZETTE, 15 March 1856.
21. GLOBE, 14 March 1856.
22. TORONTO DAILY LEADER, 14 March 1856.
23. GLOBE, 14 March 1856.
24. TORONTO DAILY LEADER, 14 March 1856.
25. GLOBE, 14 March 1856.
26. TORONTO DAILY LEADER, 14 March 1856.
27. GLOBE, 14 March 1856.
28. TORONTO DAILY LEADER, 14 March 1856.
29. GLOBE, 14 March 1856.
30. TORONTO DAILY LEADER, 14 March 1856.
31. GLOBE, 14 March 1856.
32. TORONTO DAILY LEADER, 14 March 1856.
33. GLOBE, 14 March 1856.
34. TORONTO DAILY LEADER, 14 March 1856.
35. GLOBE, 14 March 1856.
36. TORONTO DAILY LEADER, 14 March 1856.
37. GLOBE, 14 March 1856.
38. TORONTO DAILY LEADER, 14 March 1856.



39. GLOBE, 14 March 1856.
40. TORONTO DAILY LEADER, 14 March 1856.
41. GLOBE, 14 March 1856.
42. HAMILTON SPECTATOR SEMI-WEEKLY, 15 March 1856.
43. GLOBE, 14 March 1856.
44. TORONTO DAILY LEADER, 14 March 1856.
45. GLOBE, 14 March 1856.
46. TORONTO DAILY LEADER, 14 March 1856.
47. GLOBE, 14 March 1856.
48. TORONTO DAILY LEADER, 14 March 1856.
49. GLOBE, 14 March 1856.
50. TORONTO DAILY LEADER, 14 March 1856.
51. GLOBE, 14 March 1856.
52. TORONTO DAILY LEADER, 14 March 1856.
53. GLOBE, 14 March 1856.
54. TORONTO DAILY LEADER, 14 March 1856.
55. GLOBE, 14 March 1856. MONTREAL GAZETTE, 19 March 1856, reports in a commentary that Mr. Drummond, "as the Lower Canada Leader, opened ... the debate with a very good speech--melodram[at]ic if you will--that is his failing--and rather weak in the peroration, but altogether effective."

In opposition, LE PAYS, 22 March 1856, reports the following critical description of Mr. Drummond's speech: "Après les affaires de routine qui ont pris à peu près une demi-heure, il s'est établi un silence grave et solennel de quelques minutes, pendant lesquelles tous les yeux étaient tournés du côté des banquettes ministérielles. C'était vraiment un beau spectacle, mais il ne devait pas durer longtemps. En l'absence du premier ministre (sir Allan McNab) qui est indisposé depuis plusieurs jours, l'hon. M. Drummond s'est levé au milieu de l'attention générale; et avec ses allures théâtrales qui lui sont si familières, et qui dans ce moment avaient pris des proportions tout à fait exagérées, en raison de la gravité de la circonstance, il a solennellement ouvert la bouche! Vous allez croire que c'était pour parler. Vous vous trompez. Il a ouvert la bouche pour la fermer. Puis il a baissé les yeux, s'est joint les mains, est devenu pâle et a gardé le silence! C'était imposant, terrifiant, pulvérisant! Les femmes étaient en extase, personne ne respirait, tout le monde était à la veille d'étouffer ou de s'évanouir, quand heureusement il commença à parler. Et jamais acteur ne réussit mieux à détruire dans un instant l'impression qu'il avait su créer, et à faire disparaître plus complètement le prestige qui paraissait l'entourer. La poésie fut changée en prose, l'intérêt en indifférence, et l'admiration en dédain. Je parle des impressions de la multitude; car chez ceux qui connaissaient l'homme par expérience, il n'y eut ni prestige, ni admiration, ni déception! Ils eurent simplement la peine de faire des efforts pour garder leur sérieux, afin de ne pas troubler la scène tragi-comique dont le procureur-général du Bas-Canada voulait bien amuser, pendant quelques instans, les bonnes gens de Toronto."

56. GLOBE, 14 March 1856.
57. TORONTO DAILY LEADER, 14 March 1856.
58. GLOBE, 14 March 1856.
59. TORONTO DAILY LEADER, 14 March 1856.
60. GLOBE, 14 March 1856.
61. TORONTO DAILY LEADER, 14 March 1856.
62. IBID.
63. GLOBE, 14 March 1856.
64. TORONTO DAILY LEADER, 14 March 1856.

65. GLOBE, 14 March 1856.
66. MONTREAL GAZETTE, 15 March 1856.
67. GLOBE, 14 March 1856.
68. MONTREAL GAZETTE, 15 March 1856.
69. GLOBE, 14 March 1856.
70. IBID.
71. IBID.
72. MONTREAL GAZETTE, 15 March 1856.
73. GLOBE, 14 March 1856.
74. IBID.
75. TORONTO DAILY LEADER, 14 March 1856.
76. MONTREAL GAZETTE, 15 March 1856.
77. GLOBE, 14 March 1856.
78. TORONTO DAILY LEADER, 14 March 1856.
79. MONTREAL GAZETTE, 15 March 1856.
80. GLOBE, 14 March 1856.
81. TORONTO DAILY LEADER, 14 March 1856.
82. IBID.
83. GLOBE, 14 March 1856.
84. TORONTO DAILY LEADER, 14 March 1856.
85. GLOBE, 14 March 1856.
86. TORONTO DAILY LEADER, 14 March 1856.
87. MONTREAL GAZETTE, 15 March 1856.
88. TORONTO DAILY LEADER, 14 March 1856.
89. MORNING CHRONICLE, 18 March 1856.
90. TORONTO DAILY LEADER, 14 March 1856.
91. MONTREAL GAZETTE, 15 March 1856.
92. TORONTO DAILY LEADER, 14 March 1856.
93. MORNING CHRONICLE, 18 March 1856.
94. MONTREAL GAZETTE, 15 March 1856.
95. TORONTO DAILY LEADER, 14 March 1856.
96. GLOBE, 14 March 1856.
97. TORONTO DAILY LEADER, 14 March 1856.
98. LA MINERVE, 29 March 1856.
99. TORONTO DAILY LEADER, 14 March 1856.
100. LA MINERVE, 29 March 1856.
101. HAMILTON SPECTATOR SEMI-WEEKLY, 15 March 1856.
102. LA MINERVE, 29 March 1856. The first set of ellipsis represents illegible words. The second set of ellipsis is replicated as per this newspaper.
103. HAMILTON SPECTATOR SEMI-WEEKLY, 15 March 1856.
104. LA MINERVE, 29 March 1856.
105. TORONTO DAILY LEADER, 14 March 1856.
106. GLOBE, 14 March 1856.
107. TORONTO DAILY LEADER, 14 March 1856.
108. LA MINERVE, 29 March 1856.
109. TORONTO DAILY LEADER, 14 March 1856.
110. MONTREAL GAZETTE, 15 March 1856.
111. TORONTO DAILY LEADER, 14 March 1856.
112. GLOBE, 14 March 1856.
113. LA MINERVE, 29 March 1856.
114. TORONTO DAILY LEADER, 14 March 1856.
115. GLOBE, 14 March 1856.
116. TORONTO DAILY LEADER, 14 March 1856.

117. GLOBE, 14 March 1856. The county of Renfrew still being unrepresented in the House, the actual number of members sitting is 129.
118. LA MINERVE, 29 March 1856. The second set of ellipsis represents illegible words.
119. LA MINERVE, 29 March 1856.
120. LA MINERVE, 29 March 1856. GLOBE, 14 March 1856, differs from this newspaper and reports that Mr. Loranger answered Mr. Cameron by reiterating his belief that "the opposition were surprised at the result. He was sure that the hon. member for Toronto never dreamed of such a result. He thought that the change of this question from a simple enquiry to that of a government measure would be the means of sensibly affecting the votes of many members." MONTREAL GAZETTE, 15 March 1856, also differs from La Minerve, and reports that Mr. Loranger stated that "it was so little a Ministerial question that many members of the opposition voted against it", which statement was followed by some "opposition cries of oh, oh!"
121. LA MINERVE, 29 March 1856.
122. IBID.
123. MONTREAL GAZETTE, 15 March 1856.
124. LA MINERVE, 29 March 1856.
125. IBID.
126. IBID.
127. IBID.
128. TORONTO DAILY LEADER, 14 March 1856. LA MINERVE, 29 March 1856, reports the following information about Mr. Loranger's concluding words: "M. Loranger, au milieu d'une grande confusion de cris, de sourires sarcastiques et de hear! hear! prolongés, prononce encore quelques phrases qui paraissent exciter l'hilarité des députés assis autour de lui dans un rayon de quelques pas, mais dont pas un seul mot ne peut arriver jusqu'aux tribunes."
129. GLOBE, 14 March 1856.
130. MONTREAL GAZETTE, 15 March 1856.
131. IBID.
132. GLOBE, 14 March 1856.
133. MONTREAL GAZETTE, 15 March 1856.
134. GLOBE, 14 March 1856.
135. TORONTO DAILY LEADER, 14 March 1856.
136. GLOBE, 14 March 1856. TORONTO DAILY LEADER, 14 March 1856, reports that "the hon. gentleman replied at some length to the arguments which had been adduced in defence of the position assumed by the ministry".
137. MONTREAL GAZETTE, 15 March 1856.
138. GLOBE, 14 March 1856.
139. TORONTO DAILY LEADER, 14 March 1856. GLOBE, 14 March 1856, reports that Mr. Wilson "went very fully into the argument for and against the constitutionality of such an address as had been passed by the House."
140. MORNING CHRONICLE, 18 March 1856.
141. TORONTO DAILY LEADER, 14 March 1856.
142. GLOBE, 14 March 1856.
143. IBID.
144. IBID.
145. MONTREAL GAZETTE, 15 March 1856.
146. TORONTO DAILY LEADER, 14 March 1856.
147. GLOBE, 14 March 1856.
148. TORONTO DAILY LEADER, 14 March 1856.
149. GLOBE, 14 March 1856.



150. MONTREAL GAZETTE, 15 March 1856.
151. TORONTO DAILY LEADER, 14 March 1856.
152. GLOBE, 14 March 1856.
153. TORONTO DAILY LEADER, 14 March 1856.
154. GLOBE, 14 March 1856.
155. IBID.
156. IBID.
157. MONTREAL GAZETTE, 15 March 1856.
158. IBID.
159. IBID.
160. GLOBE, 14 March 1856.
161. TORONTO DAILY LEADER, 14 March 1856.
162. GLOBE, 14 March 1856.
163. TORONTO DAILY LEADER, 14 March 1856.
164. GLOBE, 14 March 1856.
165. IBID.
166. MONTREAL GAZETTE, 15 March 1856.
167. TORONTO DAILY LEADER, 14 March 1856.
168. GLOBE, 14 March 1856.
169. MONTREAL GAZETTE, 15 March 1856.
170. GLOBE, 14 March 1856.
171. MONTREAL GAZETTE, 15 March 1856.
172. GLOBE, 14 March 1856.
173. TORONTO DAILY LEADER, 14 March 1856.
174. GLOBE, 14 March 1856.
175. MONTREAL GAZETTE, 15 March 1856.
176. GLOBE, 14 March 1856.
177. IBID.
178. IBID.
179. MONTREAL GAZETTE, 15 March 1856.
180. GLOBE, 14 March 1856.
181. MONTREAL GAZETTE, 15 March 1856.
182. GLOBE, 14 March 1856.
183. IBID.
184. IBID.
185. IBID.
186. TORONTO DAILY LEADER, 14 March 1856.
187. MONTREAL GAZETTE, 15 March 1856.
188. GLOBE, 14 March 1856.
189. IBID.
190. TORONTO DAILY LEADER, 14 March 1856.
191. GLOBE, 14 March 1856.
192. IBID.
193. IBID.
194. IBID.
195. TORONTO DAILY LEADER, 14 March 1856.
196. MONTREAL GAZETTE, 15 March 1856.
197. TORONTO DAILY LEADER, 14 March 1856.
198. IBID.
199. GLOBE, 14 March 1856.
200. IBID.
201. IBID.
202. LA MINERVE, 2 April 1856.

203. GLOBE, 14 March 1856.
204. IBID.
205. IBID.
206. LA MINERVE, 2 April 1856.
207. IBID.
208. IBID.
209. IBID.
210. GLOBE, 14 March 1856.
211. GLOBE, 14 March 1856. In a commentary, MONTREAL GAZETTE, 14 March 1856, provides the following explanation of the motion of "previous question": "Its principal object [is] to avoid a decision. It also narrows down discussion to a very small point, and in truth, it generally destroys the debate altogether. In the Canadian House of Assembly, the debate has been often stopt by it.
- "The way in which the 'previous question' is worded is this: 'Shall the main motion be now put?' According to a parliamentary authority it asks that a vote be 'previously taken as to the expediency of coming to any decision on the question raised.' If 'the previous question' of expediency be 'not decided in the affirmative, the motion to which it referred is only gotten rid of for the time, whereas a direct negative to the motion itself would be proscription of it for the remainder of the session, as well as a denial of its principle.' "
- LE PAYS, 22 March 1856, explains this motion in the following way: "Cette motion consiste dans les mots suivans: La question devant la chambre sera-t-elle posée maintenant? Si la majorité vote oui, il faut que la motion principale soit mise aux voix de suite, sans plus de discussion, et sans qu'il soit permis d'y faire aucun amendement. Si au contraire la majorité vote non sur la question préalable, alors la motion principale se trouve perdue, et ne peut même être mise aux voix."
212. GLOBE, 14 March 1856.
213. IBID.
214. GLOBE, 14 March 1856. In a commentary on today's debate, MONTREAL GAZETTE, 24 March 1856, reports that "as soon as the 'previous question' had been moved, Mr. Brown rose in a perfect ecstasy of delight at the trick; he chuckled; he swung his arms about like the sails of a windmill, he seemed so exhilarated that one might have expected to see him jump over his desk."
215. MONTREAL GAZETTE, 15 March 1856.
216. GLOBE, 14 March 1856.
217. IBID.
218. IBID.
219. MONTREAL GAZETTE, 15 March 1856.
220. GLOBE, 14 March 1856.
221. MONTREAL GAZETTE, 15 March 1856.
222. GLOBE, 14 March 1856.
223. MONTREAL GAZETTE, 15 March 1856.
224. GLOBE, 14 March 1856.
225. MONTREAL GAZETTE, 15 March 1856.
226. GLOBE, 14 March 1856.
227. IBID.
228. IBID.
229. MONTREAL GAZETTE, 15 March 1856.
230. TORONTO DAILY LEADER, 14 March 1856.
231. MORNING CHRONICLE, 18 March 1856.
232. GLOBE, 14 March 1856.
233. MONTREAL GAZETTE, 15 March 1856.

234. GLOBE, 14 March 1856.
235. TORONTO DAILY LEADER, 14 March 1856.
236. GLOBE, 14 March 1856.
237. MONTREAL GAZETTE, 15 March 1856.
238. TORONTO DAILY LEADER, 14 March 1856.
239. GLOBE, 14 March 1856.
240. MONTREAL GAZETTE, 15 March 1856.
241. GLOBE, 14 March 1856.
242. TORONTO DAILY LEADER, 14 March 1856.
243. MONTREAL GAZETTE, 15 March 1856.
244. GLOBE, 14 March 1856.
245. MONTREAL GAZETTE, 15 March 1856.
246. GLOBE, 14 March 1856.
247. MORNING CHRONICLE, 18 March 1856.
248. GLOBE, 14 March 1856.
249. TORONTO DAILY LEADER, 14 March 1856.
250. TORONTO DAILY LEADER, 17 March 1856.
251. IBID.
252. TORONTO DAILY LEADER, 17 March 1856. LE PAYS, 22 March 1856, reports the following comment on Mr. Cartier and Mr. J.A. Macdonald: "M. Cartier se mit à parcourir les rangs pour dire à ses amis de voter contre la question préalable, et le procureur-général Macdonald prit la parole pour dire à ses partisans: Votez pour empêcher que la motion de M. Drummond soit mise aux voix, nous considérerons cela comme un vote de confiance."
253. TORONTO DAILY LEADER, 14 March 1856.
254. MONTREAL GAZETTE, 15 March 1856.
255. GLOBE, 14 March 1856.
256. MONTREAL GAZETTE, 15 March 1856.
257. TORONTO DAILY LEADER, 14 March 1856.
258. GLOBE, 14 March 1856.
259. MONTREAL GAZETTE, 15 March 1856.
260. GLOBE, 14 March 1856.
261. TORONTO DAILY LEADER, 14 March 1856.
262. GLOBE, 14 March 1856.
263. MONTREAL GAZETTE, 15 March 1856.
264. GLOBE, 14 March 1856.
265. TORONTO DAILY LEADER, 14 March 1856.
266. IBID.
267. GLOBE, 14 March 1856.
268. MONTREAL GAZETTE, 15 March 1856.
269. TORONTO DAILY LEADER, 14 March 1856. According to MONTREAL GAZETTE, 15 March 1856, Mr. Mackenzie's statement was rather directed towards Mr. Gamble: "Turning to the member for South York (Mr. Gamble) whom he reproached for the change of his vote, he asked whether if that gentlemen's (sic) wife was now a widow and his children orphans, he would be satisfied with such conduct as this." LA MINERVE, 2 April 1856, concurs with the Toronto Daily Leader, and reports that Mr. Mackenzie stated: "Nous pouvons ... parler froidement de cette scène sanglante et cependant la victime avait une femme, des enfants! Combien leur infortune est grande! Songeons à eux du moins, si nous ne pouvons rien faire pour le mort. Que l'hon. Procureur-Général me dise ce qu'il penserait s'il venait à être enlevé à sa femme et à ses en[f]ants?"
270. GLOBE, 14 March 1856.
271. TORONTO DAILY LEADER, 14 March 1856.



- 272. MONTREAL GAZETTE, 15 March 1856.
- 273. GLOBE, 14 March 1856.
- 274. IBID.
- 275. TORONTO DAILY LEADER, 14 March 1856. LA MINERVE, 2 April 1856, reports the following comment regarding this division: "Les conversations dans la Chambre et dans les galeries sont à l'instant suspendues; les regards sondent les rangs des députés qui se lèvent au premier appel et la respiration s'échappe bruyante de 500 poitrines quand le greffier annonce le résultat".
- 276. Many newspapers report long commentaries on today's debate on the Corrigan Affair, several of which ably explain the various strategies elaborated by the Ministry and the Opposition to settle the affair at their own advantage. Excerpts of these commentaries are reported here for the reader's interest:

In a commentary, WESTERN PLANET, 17 March 1856, reports the following description of today's events: "Mr. Drummond brought up ... [the] resolution, of which he had given notice on the previous Monday... This was placing the Government in the position of either carrying the resolution or resigning. Mr. Drummond knew well he could not carry it, and to prevent the painful alternative to which its failure would reduce himself and his colleagues, he procures Mr. Crawford a ready supporter to propose an amendment to this resolution, embodying a sweeping vote of confidence in the Ministry, for which the whole Ministerial phalanx would vote, and thus at once place a damper on the opposition. This base proceeding somehow or another leaked out, and to check the game at work, Mr. John S. McDonald jumps up, before Crawford's amendment could be put in, and calls for the votes on the main motion. This has to be put without discussion or amendment. Ministers were completely taken aback. They were check-mated at their own game. The main question was put, and carried of course by a large majority." References to Mr. Crawford's intended motion and Mr. J.S. Macdonald's preventive move are also found in the commentaries of MORNING CHRONICLE, 15 March 1856, MONTREAL GAZETTE, 19 March 1856, GLOBE, 19 March 1856, and LE PAYS, 22 March 1856.

GLOBE, 14 March 1856, reports a satirical description of the debate which is also centered around Mr. Crawford's strategic motion of confidence. It writes: "When the House opened, it was obvious from the joyous faces on the Treasury benches that the whole plan was perfectly laid and the result certain. There sat Mr. Drummond ready with his motion for rescinding--and there, too, sat Mr. Crawford with his sweet potion for the Ministerial distemper. When the routine business was gone through, Mr. Drummond rose, laden down with awful solemnity. He pointed out the utter unconstitutionality of the motion adopted by the House, according to the view of the Cabinet; he declared that they would not present such an address to the Governor General; he repeated that unless the motion were rescinded, the Ministry would resign, and their successors might present it. The learned gentleman was very grandiloquent, and took vast credit to himself and colleagues for their courage and high principle in thus vindicating the constitutional rights of the judiciary, at the risk of their offices. The whole world was called upon to admire the bold, frank, manly way in which they met the crisis by a direct appeal to a vote of the House! The acting was admirable. Mr. Drummond's colleagues, sitting about him while he spoke, wore the aspect of martyrs, ready to immolate themselves on the constitution of their country, and cried "hear, hear" at the heroic parts of the learned gentleman's oration. The Coalitionists, great and small, cried "hear, hear" too, and enthusiastic were the plaudits when their chief declared that the Ministry would stand or fall by the fate of his resolution! And all this while the Government tool, Mr. George Crawford, had his

amendment in his pocket, cut and dry, to evade this very appeal so valiantly demanded--and every man of the Coalitionists knew it!

"Now, mark what followed. The secret of Mr. Crawford's resolution had reached the ears of the Opposition, and it was at once determined to check-mate that move.... Mr. John S. McDonald, therefore, moved the previous question, before Mr. Crawford could have the opportunity of placing his precious morsel on record.... Dire was the consternation on the Treasury Benches, when the force of this movement dawned on the Ministerial mind. The blow, plainly enough, was quite unexpected, and threw the members of the Government entirely off their guard. Dismay was pictured on every face. What could they do? If they voted yea, then Mr. Drummond's resolution would be put and lost, and they lost with it. If they voted nay, they would give the direct lie to all their solemn protestations of regard for the constitution, and their determination to stand or fall by their resolution.... Close, earnest whispering went on for a few minutes, and at last a determination was arrived at. Need we say what that conclusion was? ... These very men turned right round in the very face of the House and crowds of spectators who had witnessed the whole comedy, and called on their supporters to vote nay and prevent their own motion from being put to the vote!"

HAMILTON SPECTATOR SEMI-WEEKLY, 15 March 1856, gives a different interpretation of the events and reports that "the charge of manoeuvring on the part of the Government, is an imputation as worthless as it is unfounded. If there was any trickery in the matter, it was certainly on the side of the Opposition, who endeavored to take advantage of the Government by moving the 'previous question.' They were foiled in the attempt, however, and the result of the vote is a complete vindication of the policy pursued by the ministry." MONTREAL GAZETTE, 15 March 1856, also expresses the opinion that "the effect of this vote is, that Ministers have [an] indirect vote of confidence, instead of a resolution (in amendment to Mr. Drummond's motion to rescind,) affirming a direct vote of confidence. The indirect vote was a necessary result of the peculiar operation of the 'previous question.' But it answers precisely the same purpose." To this, MORNING CHRONICLE, 15 March 1856, adds that "this decision, of course, involves no denial of the principle of the resolution, those who voted against 'the previous question' merely affirming that the original question should not be put at the time; but as a test it shews the confidence which the present Government retains." This newspaper then continues its analysis of the events with the following interesting remarks: "We agree with the 'Pilot' that if the Ministry resigned the trust placed in their hands by the people of Canada, on such an issue as that of the production or non production of Judge Duval's Charge, they would not only be guilty of a grave dereliction of duty, but would make themselves contemptible in the eyes of every constitutional statesman in England and America.... The good sense of the people refused to believe in the possibility of a vote of 'no confidence;' and it was commonly suspected that a resignation on this question, which involved no principle of government, or general policy, or any measure for which the Governmeet (sic) was pledged would end in nothing more than a new distribution of official appointments amongst the Upper Canadian members of the Administration."

277. GLOBE, 14 March 1856.

278. TORONTO DAILY LEADER, 14 March 1856.

279. IBID.

280. IBID.

281. GLOBE, 14 March 1856.

282. TORONTO DAILY LEADER, 14 March 1856.
283. IBID.
284. GLOBE, 14 March 1856.
285. TORONTO DAILY LEADER, 14 March 1856.
286. GLOBE, 14 March 1856.
287. TORONTO DAILY LEADER, 14 March 1856. GLOBE, 14 March 1856, points out that Mr. Crawford's motion was the "amendment he had intended to move to the Hon. Mr. Drummond's motion, had it been put."
288. TORONTO DAILY LEADER, 14 March 1856.
289. IBID.
290. IBID.
291. GLOBE, 14 March 1856.
292. IBID.
293. MONTREAL GAZETTE, 15 March 1856.
294. GLOBE, 14 March 1856.
295. TORONTO DAILY LEADER, 14 March 1856.
296. GLOBE, 14 March 1856.
297. TORONTO DAILY LEADER, 14 March 1856.
298. GLOBE, 14 March 1856.
299. TORONTO DAILY LEADER, 14 March 1856.
300. GLOBE, 14 March 1856.
301. TORONTO DAILY LEADER, 14 March 1856.
302. GLOBE, 14 March 1856. In a commentary, GLOBE, 15 March 1856, reports the following remarks: "Those who ... listened to Mr. Drummond's cool announcement that he and his colleagues intended to back out, experienced various emotions. The first was that of amusement, and almost the whole house gave way to excessive laughter. There was something irresistibly comic in the idea of half a score of ministers swearing on their sacred honours for four days that if that resolution were not rescinded, they would resign their seats--that they were not the men to hold office in the face of an adverse vote--and then, when they found it would not be rescinded, that they could not venture even to attempt it--one of them turning round, very coolly, and informing the House that he and his colleagues would carry out the objects of that resolution." It also points out that Mr. J.A. Macdonald, although having affirmed "that he and his colleagues '... could not come down and occupy the humiliating position of attempting to carry on the Government of the country,' ... joked and laughed when his colleague got up to state that ministers intended to keep that position."
303. MONTREAL GAZETTE, 15 March 1856.
304. IBID.
305. LA MINERVE, 2 April 1856.
306. GLOBE, 14 March 1856, reports that the House adjourned "at 11 o'clock", while TORONTO DAILY LEADER, 14 March 1856, reports it adjourned "at a quarter past 11 P.M."

In their commentaries on the Corrigan Affair, several newspapers could not avoid reprimanding the different parties in the House for having again provoked a political crisis at the expense of useful legislation. For example, HAMILTON SPECTATOR SEMI-WEEKLY, 15 March 1856, a staunch supporter of the Ministry, remarked the following: "We are fully persuaded that the difficulty which so unexpectedly arose, might have been avoided, if proper precautions had been used. What was there to have prevented Ministers dispensing with Mr. Cameron's motion, if they had only given an assurance that they would enquire into the allegation against Judge Duval?--Nothing whatever. That



would have settled the matter at once, and the mover of the resolution would, or at least should, have been perfectly satisfied. No steps were taken to prevent a defeat, and we have it on the very best authority, that the regular supporters of the Ministry were not consulted in the premises, as they certainly ought to have been.--Ministers virtually courted a defeat, by the very strange manner in which they acted. It is probable, however, that they were desirous of testing their strength, and took this extraordinary mode of doing so. If this be the true solution, the result has shown that they were not mistaken as to the position they occupy. Whilst we congratulate them upon the issue of the vote of Thursday night, we will not conceal from them our entire disapproval of their conduct in this matter; and we hope they will seek by every means, so far as is consistent with their dignity and honor, to avoid a like difficulty in future."

TORONTO DAILY LEADER, 14 March 1856, expresses the following point of view: "Members will begin to learn that the time of the House is but wasted in discussing the merits of the existing ministerial compact, while but a single local measure has yet passed the House, and while every one of the great measures of the Government remains yet to be discussed. Two weeks at the opening of the Session were occupied in attempts to evolve the question whether the Ministry were entitled to the confidence of Parliament. The present week has been devoted to the same object. And this species of Parliamentary pastime had been going on, while great financial matters--involving the question of sustaining the public credit are waiting for solution--while the industry and trade of one section of the Province at least is depressed to an extent which almost threatens a crisis--and while strangers are examining the state of our national defences. The Queen's Government must be carried on".

Finally, GLOBE, 19 March 1856, reports a commentary from the London Free Press which is, in that instance, quite critical of the Government: "The Attorney General Drummond consented, at eleven o'clock in the evening, to take up the Address to his Excellency, which, at four o'clock in the afternoon, he had declared unconstitutional! ... Instead of assenting to the reasonable motion for the Address made on Monday by Mr. Cameron, the Government wasted four days of the Session in trying to avoid a rational enquiry into a most scandalous piece of injustice, and after the time of the members had been lost, and nearly 5,000L of the taxes paid by the people squandered, the Address has been presented after all. And it is thus that the best interests of the country are trifled with, while a disjointed Cabinet squabble among themselves."

Additional commentaries on today's debate are reported in HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856, WESTERN PLANET, 20 March 1856, and MORNING CHRONICLE, 22 March 1856. MONTREAL GAZETTE, 24 March 1856, also reports a commentary which severely criticizes Mr. Cameron and Mr. A. Dorion's position on this question. Commentaries on the Corrigan Affair are also reported in MORNING CHRONICLE, 14 March 1856, LA MINERVE, 19 March 1856, AND MORNING CHRONICLE, 22 March 1856.

FRIDAY, 14 MARCH 1856

(142)

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Lemieux,--The Petition of Simon Ochteau and others, School Commissioners of St. Joseph de la Pointe Lévi.

(143)

By Mr. Wright,--The Petition of the Reverend J. Fishburn, Pastor, and others, Elders and Members of the Evangelical Lutheran Church of Canada.

By Mr. McCann,--The Petition of John Mathus and others, of the Village of Longueuil; and the Petition of the Municipality of the Township of East Hawkesbury.

By Mr. Cooke,--The Petition of the Honorable Peter McGill and others, Ratepayers in and for the County of Ottawa.

By Mr. Church,--The Petition of Florence McCarthy and others, of the Township of Kitley.

By Mr. Meagher,--The Petition of William McPherson and others, of the Township of Port Daniel, County of Bonaventure.

By Mr. Lumsden,--The Petition of the Municipal Council of the County of Ontario.

By Mr. Biggar,--Three Petitions of the Municipal Council of the County of Brant.

By Mr. Lyon,--Four Petitions of the Municipality of the Township of Gloucester, County of Carleton; and the Petition of Miss Mary Curry and others, of the Township of Gloucester, County of Carleton.

By Mr. Gamble,--The Petition of Joseph T.W. Wallis and others, of Smithfield and St. Andrews.

By Mr. Munro,--The Petition of the President, Directors and Company of the Bond Head Harbour.

Mr. Sidney Smith, from the Standing Committee on Standing Orders, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Albert Furniss, of the City of Montreal, for incorporation of the Montreal Gas Light Company; of the Woodstock and Lake Erie Railway and Harbour Company; of the Port Darlington Harbour Company; and of James Alexander Henderson and others, of the City of Kingston, for incorporation of the Freemasons' Hall; and they find the Notices sufficient.

They have also examined the Petition of the Bank of Upper Canada,--and the Petition of the Municipality of the Townships of Ascot and Westbury for the legalization of the Election of their Township Councillors, and they are of opinion that Notice is not required in either case.

Mr. Brown's notice being called--"That Mr. James Stewart, of Hamilton, Iron-founder, be heard by counsel at the bar of this House, in opposition to the second reading of the bill "to incorporate the Buffalo and Lake Huron Railway Company, and for other purposes,"<sup>1</sup>

MR. AT. GEN. DRUMMOND hoped that the second reading of the bill would be allowed to-day, as the whole of yesterday was taken away from private business. It was the intention of the Government to allow the hon. member for Brockville to move the second reading of the bill, if the Government business could be got through, and he had no objection to the hon. member for Lambton making his motion now.<sup>2</sup>

MR. BROWN said that this being Government night, he had not expected that his motion would be called. The parties interested proposed to give him a statement of the case, to submit to the House. He had not received this, and was not prepared, therefore, to argue the matter so fully as on Monday night. He was as anxious as any one could be for the passage of this bill, which he considered most desirable for the public interests. But the interests of the gentlemen who desired to appear at the bar of the house could not be overlooked. It would be absolute ruin to them if the bill passed in its present shape.<sup>3</sup>

MR. SOL. GEN. H. SMITH believed the hon. gentleman's object would be better attained by letting counsel be heard before the Railway Committee, and if they did not get their wishes met there, then it would be time to propose that counsel should be heard before the house at the third reading.<sup>4</sup>

MR. YOUNG also stated his opinion that the proper course would be for counsel to be heard before the Railway Committee.<sup>5</sup>

MR. BROWN said if that was the general opinion of his friends, he was prepared to withdraw his motion, on the understanding that the parties interested would have a right to be heard by Counsel at the bar of the house on the third reading.<sup>6</sup>

MR. AT. GEN. DRUMMOND said that no one could answer for what the majority of the house might decide, but of course the parties might apply, if they chose, to be heard at the third reading.<sup>7</sup>

After some further conversation,<sup>8</sup>

MR. BROWN allowed his motion to stand.<sup>9</sup>

(143)

*Ordered, That the Honorable Mr. Young have leave to bring in a Bill to incorporate the Montreal Gas Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

*Ordered, That Mr. Sanborn have leave to bring in a Bill to amend the Law of Patents for Inventions.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twenty-fourth instant.*

*Ordered, That Mr. Sanborn have leave to bring in a Bill to amend the Prerogative Writs Act, and to make new provisions respecting Writs of Scire Facias.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twenty-fourth instant.*

(144)

*Ordered, That Mr. Price have leave to bring in a Bill for the preservation of Salmon in the Rivers St. Lawrence and Saguenay, and their tributaries.<sup>10</sup>*



*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the twenty-fourth instant.*

*The Honorable Mr. Attorney General Drummond, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.*

*And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--*

*Edmund Head,*

*The Governor General has every desire to furnish information to the Legislature, and therefore regrets deeply, that for the following reasons he must decline to comply with the prayer of the Address of the Legislative Assembly of the tenth instant, presented to him this day by such Members of that House as are Members of the Executive Council.*

*The Charge of Judge Duval to the Petty Jury is not in the possession of the Governor General, nor can it be presumed to exist as a distinct document.*

*If such a document do exist, the Governor General has no power or authority to enforce its production.*

*The Act 7 Vic. cap. 45 (sic)<sup>11</sup>, expressly secures the Independence of the Judges of Lower Canada, thereby establishing a great constitutional principle.*

*The same Act prescribes a regular mode of proceeding with reference to the conduct of a Judge:--by Address from two branches of the Legislature.*

*The Governor General is advised, that to call for words used by a Judge on a specific trial, is in effect to call that Judge to account for his conduct on the Bench, and that for the Crown so to call a Judge to account, especially on the Address of one branch of the Legislature, would be, at least, an evasion of the spirit of the Act, and might serve as a precedent for interference by the Crown with the independence of the Judiciary.*

*Government House,*

*Toronto, 14th March, 1856.<sup>12</sup>*

*Ordered, That Mr. Alleyn have leave to bring in a Bill to render the Mayor of Quebec elective by the Electors of Quebec.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.<sup>13</sup>*

*The Order of the day for the second reading of the Bill to incorporate the Buffalo and Lake Huron Railway Company, and for other purposes, being read;*

MR. AT. GEN. DRUMMOND ... moved, in the absence of the hon. member for Brockville [Mr. Crawford], that the Bill to incorporate the Buffalo and Lake Huron Railway Company be now read a second time.<sup>14</sup>

MR. BROWN said that, since the discussion took place a little while ago, he had had an opportunity of communicating with the parties who wished to appear by Counsel at the bar, and had stated to them that in the opinion of several of his friends it was better that they should be heard first before the Committee. He had also stated to them his full conviction that, if serious injustice was done them by the decision of the Committee, the house would give them an opportunity of being heard at the

third reading. They had assented to the course, and he would not therefore oppose the present motion.<sup>15</sup>

(144)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Order of the day for receiving the Report of the Committee of the whole House on the Bill to authorize the commutation of claims on Ordnance Lands, upon the transfer of such Lands to the Province, being read;*

MR. INSP. GEN. CAYLEY, in bringing forward the report of the Committee of the Whole, relating to claims on Ordnance lands said, that this measure was the result of resolutions passed by the house in 1854 and 1855. It contemplated the object of this Province being enabled to acquire property which should be a source of revenue instead of the reverse; provision being made in the transfer of these lands to the Provincial Government, for the claims of pensioners. He would move the adoption of the report.<sup>16</sup>

MR. BROWN would call the attention of hon. gentlemen on the other side to this consideration, whether it is well to depart from those rules which are laid down for the protection of the public purse.<sup>17</sup>

MR. INSP. GEN. CAYLEY said, he had taken the proper course. The Home Government were waiting for the action of this house in the matter, and he would be sorry that time should be lost.<sup>18</sup>

MR. BROWN considered that the subject was most important, and should be properly dealt with; the requisite information was not before the house, and the rules were not adhered to.<sup>19</sup>

MR. BELLINGHAM inquired, if the transfer of these ordnance lands by the Imperial to the Colonial Government would include the Rideau Canal.<sup>20</sup>

MR. INSP. GEN. CAYLEY replied, it would include the Rideau canal, and all the ordnance property generally, with the exception of those points which are to be reserved. He would now move that the order of the day be discharged, and that the house resolve itself into a Committee of the Whole, to consider resolutions relating to the Ordnance Lands.<sup>21</sup>

(144)

Ordered, That the said Order be discharged.

*On motion of the Honorable Mr. Cayley, seconded by Mr. Solicitor General Smith, Resolved*, That this House will immediately resolve itself into a Committee to

(145)

*take into consideration certain Resolutions having reference to the Ordnance Lands. The House accordingly resolved itself into the said Committee;*

MR. J.S. MACDONALD (Glengary) wished the Inspector General to say, what amount had been calculated as necessary to satisfy the claims against the Government of the Province, if they receive the lands?<sup>22</sup>

MR. INSP. GEN. CAYLEY replied, that the first charge made under this bill, was one of 2,000L per annum sterling during the lifetime of five hundred of the pensioners, which would cause a decrease in quantity as the pensioners die off. The second was a sum under 200L which is given as compensation upon the lands.<sup>23</sup>

MR. J.S. MACDONALD (Glengary) supposed that the Rideau Canal was a charge also upon the fund to be derived from the sale of these lands.<sup>24</sup>

MR. BROWN hoped the Government was not assuming responsibility in regard to an arrangement made with the Imperial Government without submitting it to the house.<sup>25</sup>

MR. INSP. GEN. CAYLEY said, the Rideau Canal, as to that, stood in the same position as the Ordnance Lands. The amount that was raised by the Province would be refunded.<sup>26</sup>

MR. BROWN supposed that the Government did not intend to close an agreement with the Imperial Government, and put the burden of it upon the country without submitting it to the Legislature. The house was surely not to bear such burden until it had been called upon to express its opinion of the transactions that had taken place between this and the home government in relation to the Ordnance Lands and the Rideau Canal? Did the Inspector General suppose, that the whole country was content to enter into an arrangement of the kind mentioned, simply through his persuasion?<sup>27</sup>

MR. INSP. GEN. CAYLEY wished to explain that this question had been already debated last session.<sup>28</sup>

MR. BROWN contradicted the statement. Certain despatches were sent down, and the Government would recollect that the debate was upon the appropriation of 9,000L for the maintenance of the Rideau Canal, and it was expressly shown then that the negotiations were not concluded, and it was promised that when further progress was made with the negotiations, the result should be communicated to the house. Its consent had never been asked; it had never been told what this bargain was, or the value of those lands!<sup>29</sup>

MR. MACKENZIE said, the best way would be to leave it with the Government altogether. It was of no use talking. Time had flown by, and nothing was known with regard to the value of these lands and no more in regard to the money to be paid for them, than they, in March 1855 knew was to be paid to those Church of England parsons. An English Chancellor of the Exchequer gets up in his place, and states how the whole state of financial affairs stands, and prides himself upon the fact that he perfectly understands the financial operations of the country. Did these gentlemen do it? No. Were they capable of doing it? No.<sup>30</sup>

MR. J.S. MACDONALD (Glengary).--Was the Inspector-General able to state what the aggregate of the charge entailed upon this Province would be? It was indispensable for the House to know this. Last year, the sum of 11,584L was voted by this House towards the canal and the other property. He would like to know if that was part and parcel of the charge which was to be placed upon the country. How much was the whole amount assumed?<sup>31</sup>

MR. INSP. GEN. CAYLEY said, of course he was not prepared to speak. The enquiries to be made in regard to the Ottawa and Rideau Canal, would disclose it. The charge for five hundred pensioners is 2,000L and for two hundred, at the same rate.



He conceived that the principle of allowing the pensioners to occupy these ordnance lands only during their lives, is a bad one for the country. He was desirous to extinguish the hording of those pensioners. (Hear, hear.) And he desired to extend, therefore, the commutation to the entire body of them. The Rideau and Ottawa Canals were now unproductive [compared] to what they would be when the arrangement in question was consummated.<sup>32</sup>

MR. BROWN agreed that it was desirable to do away with these holdings of the pensioners; but before the bargain was finally made by the Imperial Government the house should have submitted to it the whole agreement.<sup>33</sup>

MR. J.S. MACDONALD (Glengary) understood from the late Inspector General, when the matter was before the house in his time, that his conviction was, that this Rideau Canal would be for the benefit of Canada, and present no advantage to the home Government. The lands around Ottawa were of great value. He had always heard that the home Government made it a condition precedent, that it should be for their use thereafter, if required, and insisted upon keeping a portion of these lands for the purposes of military defences, and that we should [do so] for their pensions.<sup>34</sup>

MR. SOL. GEN. H. SMITH said it was a great pity that the arrangement as to these lands had not been finally concluded in the first instance. All arrangements that were made between this country and the Imperial Government took an unnecessary length of time to bring about. As to the lands on the line of the Rideau Canal, it was singular that the British Government should have allowed this country to be going on from year to year losing money by them, when they had it in their power to make a great revenue out of them. (Hear, hear.) He was sure that the Canal, instead of being a loss as heretofore, would become a source of profit to the country. The mill sites from Rideau to Bytown would yield a revenue of 3,000L a year. The Government had large tracts of land about there, lying quite unproductive, but what the Government were now endeavouring to carry through would cause these lands to be very productive. (Hear, hear.)<sup>35</sup>

MR. BELLINGHAM was glad to hear the hon. gentleman so speak. What kept canals from being profitable was their light draught of water which would not allow of large vessels coming in.<sup>36</sup>

MR. YOUNG thought it very desirable that these lands should be taken by the country. He merely rose to express his dissent from the belief, that there would be a revenue arising from the acquisition of the Rideau Canal. He believed that its acquisition would be an equal expense to the country, and that the receipts from it would be insufficient to pay the ordinary expenditure, and for this reason. We had the St. Lawrence Canals, including the Upper Lake with the Lower St. Lawrence; much larger works, capable of admitting larger vessels; and he found that since 1819 up to the present time, the ordinary expenditure for these works for repairs, has exceeded half a million of money, and this sum did not include the interest upon the cost of those works which is another million more. In five years this country had lost one million and a half pounds. He was prepared to prove the facts.<sup>37</sup>

MR. GALT said he understood it would be necessary to place at the disposal of the government 3,000L a year to do away with these holdings. He did not think that the Rideau Canal would be a source of revenue. As to taking the lands, we must take the bad with the good. He believed these lands were of great value, and that they should give the government authority to make the commutation proposed.<sup>38</sup>

MR. AT. GEN. J.A. MACDONALD said, the whole arrangement would be laid upon the table when made. The proposition had been accepted by this government, which was the receipt of the ordnance lands including the Rideau Canal. There was nothing before the house to approve or reject. When the militia law was passed last session, it was with the understanding that this property was to be handed over, and it was to be unconditional.<sup>39</sup>

MR. J.S. MACDONALD (Glengary).--The government wanted to charge the consolidated revenue of the country, with the claims of the pensioners. The house was not in a position to do that.<sup>40</sup>

MR. INSP. GEN. CAYLEY differed from the hon. member for Montreal, (Mr. Young) that the Rideau Canal would be unproductive. It was a great public work which benefited the country at large.<sup>41</sup>

MR. YOUNG quite agreed with the Inspector General. These canals had a great value attached to them independently of their revenue. They had already proved of great public benefit, but we got nothing whatever from our public works.<sup>42</sup>

MR. LYON admitted that the Rideau canal had not hitherto been as productive as it might have been, on account of its being in the hands of the military authorities, who had not availed themselves of the great hydraulic privileges that existed. He considered the making over of this property was a great boon to the Province. He believed the Government, by taking proper steps, might make the Rideau canal, not a burden to the country, but a source of considerable revenue. He considered that this very work so much depreciated by hon. gentlemen from Montreal, had contributed greatly to the prosperity of Montreal.<sup>43</sup>

The Committee then rose<sup>44</sup>.

(145)

*and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. James Smith reported, That the Committee had come to several Resolutions.*

*Ordered, That the Report be now received.*

*Mr. James Smith reported the Resolutions accordingly; and the same were read, as follow:--*

*1. Resolved, That the Governor in Council be empowered to authorize the payment out of the Consolidated Revenue Fund, of a life annuity not exceeding Four pounds, sterling, per annum, to each Pensioner located upon the Ordnance Lands at Toronto, London and Niagara, in consideration of the transfer of the said Lands to the Province, and in lieu of all claims of the said Pensioners thereon; provided the number of such Pensioners do not exceed five hundred.*

*2. Resolved, That the Governor in Council be empowered in consideration of the transfer of the Ordnance Lands at Penetanguishene, Amherstburg, and Fort Erie, to authorize the payment of a like annuity out of the said Fund to each of the Pensioners located thereon, and of such further sum for his actual improvements as he shall be entitled to according to the conditions of said location, such annuity and sum to be in lieu of all his claims upon such land: Provided the number of such Pensioners do not exceed two hundred; and that the sum paid to any such Pensioner for improvements do not exceed the amount regulated by such conditions.*

*3. Resolved, That the said annuities and sums be made a charge upon the said Consolidated Revenue Fund, and be paid and accounted for in like manner as other sums charged thereon.*

MR. INSP. GEN. CAYLEY moved, that the said resolutions be now read a second time.<sup>45</sup>

MR. BROWN urged the importance of the rule that a day should elapse between each stage.<sup>46</sup>

MR. INSP. GEN. CAYLEY moved that the rule be suspended with a view to the second reading.<sup>47</sup>

MR. BROWN said that, if not absolutely necessary, in a matter of such importance as creating 700 pensioners, it was highly improper to take this course, and create so dangerous an expedient.<sup>48</sup>

MR. MACKENZIE.--I object to the suspension of the rules. It can't be done.<sup>49</sup>

MR. J.S. MACDONALD (Glengary) also considered it was an improper precedent to set, unless there was a pressing necessity for its going on.<sup>50</sup>

MR. INSP. GEN. CAYLEY complained that hon. gentlemen opposite were breaking faith with him.<sup>51</sup>

MR. BROWN and MR. J.S. MACDONALD denied that there had been any understanding that all the rules of the house were to be suspended.<sup>52</sup>

MR. MACKENZIE said he would withdraw his objection, and allow the bill to be passed to-night, if any good reason could be shown for it.<sup>53</sup>

MR. INSP. GEN. CAYLEY wished to hurry the bill forward to show the home Government the ready acquiescence of this house in their proposals. He desired to show no delay or hesitation in buying up the claims of the pensioners.<sup>54</sup>

After some further discussion, the motion [to suspend the rule] was withdrawn.<sup>55</sup>

(145)

*The said Resolutions, being read a second time, were agreed to.*

*Ordered, That the Honorable Mr. Cayley have leave to bring in a Bill to authorize the commutation of claims on Ordnance Lands upon the transfer of such Lands to the Province.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.*

*The Order of the day for the second reading of the Bill to provide for the holding of an additional Term of the Appeal side of the Court of Queen's Bench for Lower Canada, in the present year, being read;*

MR. AT. GEN. DRUMMOND moved the second reading of the bill.... He stated that this had been rendered necessary by the Judges having been occupied with the Seignorial question.<sup>56</sup>

MR. WILSON [asked a question.]<sup>57</sup>

MR. AT. GEN. DRUMMOND ... [replied] that judgment had been given on the Seignorial questions submitted to the Court, and that it was highly favorable to the



censitaires. There might be an appeal, but that would not delay the operations of the commission. But on nearly every question the majority was so large that there was little chance of an appeal.<sup>58</sup>

(145)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House.*

*Resolved, That this House will immediately resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Turcotte reported, That the Committee had gone through the Bill, and made amendments thereunto.*

*Ordered, That the Report be now received.*

*Mr. Turcotte reported the Bill accordingly; and the amendments were read, and agreed to.*

*Ordered, That the Bill be read the third time on Monday next.*

On motion of MR. INSP. GEN. CAYLEY,<sup>59</sup>

(145)

*The House, according to Order, again resolved itself into a Committee on the Bill to amend the Act for establishing the freedom of Banking; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Alleyn reported, That the Committee had gone through the Bill, and made an amendment thereunto.<sup>60</sup>*

*Ordered, That the Report be now received.*

(146)

*Mr. Alleyn reported the Bill accordingly; and the amendment was read, and agreed to.*

*Ordered, That the Bill be read the third time on Tuesday next.*

*The Order of the day for the second reading of the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateaugay, being read;*

MR. SOMERVILLE moved the second reading of the bill<sup>61</sup>.

MR. A. DORION (Montreal) objected to the number of Circuit Courts being increased, which would render necessary an increase in the number of Judges, until the Attorney General's general scheme of alterations in the Judiciary system should be introduced.<sup>62</sup>

After some further discussion, the bill was read a second time<sup>63</sup>.

(146)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Somerville, the Honorable Mr. Attorney General Drummond, Mr. Solicitor General Ross, Mr. Charles Daoust, Mr. Dufresne, Mr. Felton, Mr. Gill, Mr. Laberge, and Mr. Bellingham, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to change the Constitution of the Legislative Council, by rendering the same Elective, being read;*

MR. COM. CR. LANDS CAUCHON moved the second reading of the bill<sup>64</sup>. [He] said that this measure being precisely the same as that which had been passed through the Legislative Council, the House would understand why he did not then go into any explanation of the matter. He would merely state that their promptness on this occasion would evince their readiness to fulfil the pledges they had made to the country. He had taken the first opportunity of bringing this measure before the House; and would say that it would have gone through its second reading, and been now before the Legislative Council, if it had not been prevented by<sup>65</sup> his indisposition during several days past, when it stood upon the order last.<sup>66</sup>

MR. ROBINSON fait observer qu'ayant voté avec la minorité, il pourrait élever des objections<sup>67</sup>. As this was Government night, he did not desire to take up the time of the House; but, as this, he believed, was the last of the great measures for which the Government were pledged to the country, he would suggest whether it would not be better to adjourn for the night in order to celebrate their triumph.<sup>68</sup>

The motion [for the second reading] was carried without discussion<sup>69</sup>.

(146)

*The Honorable Mr. Cauchon moved, seconded by the Honorable Mr. Spence; and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Christie, Conger, Cooke, Cook, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferrie, Foley, Octave C. Fortier, Fournier, Frazer, Freeman, Gamble, Gould, Guévremont, Hartman, Holton, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, John S. Macdonald, Attorney General Macdonald, Mackenzie, McCann, Marchildon, Masson, Mattice, Meagher, Angus Morrison, Munro, Papin, Patrick, Poulin, Pouliot, Powell, Prévost, Price, Rhodes, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, Valois, and Wright.--(85.)*

NAYS.

*Messieurs Bowes, Brown, Cameron, Crawford, Robinson, and Yeilding.--(6.)*  
*So it was resolved in the Affirmative.*  
*The Bill was accordingly read a second time.*

MR. COM. CR. LANDS CAUCHON said that after this triumphant vote, he thought there would be no objection in going immediately into Committee of the Whole.<sup>70</sup>

MR. BROWN hoped the hon. gentleman would not insist upon that. Although there were but a very small number of members opposed to the principle of the Bill, he thought that, had it been necessary he and his friends could have shown very good reason for their vote on this occasion, and he was persuaded that ere many years went round, in the history of this country, it would be seen that their votes on this and former occasions had not been given without good reason. It was true that there was but a small minority opposed to the principle of the Bill, but there were grave objections to many of its details which he thought the house should not be called rashly to decide upon. He wished to submit some amendments before going into

committee, and to ask the house to adopt certain instructions to the committee, but not expecting that a second stage of the Bill would be taken immediately, he was not prepared with these now. Surely a Bill of this importance should not be hurried through so rapidly. There were certain great secondary principles involved in the Bill, and it was far better that these should be taken up and decided before going into committee. (Hear, hear.)<sup>71</sup>

MR. SOL. GEN. H. SMITH said that the objections of the hon. member for Lambton would have been appropriate if the Bill were before the house or before the country for the first time.<sup>72</sup> But this same Bill had been before the house and discussed for many weeks last session<sup>73</sup>. [It] was brought down after being fully and maturely considered, and the Government were anxious to send it to the other house in time to have it passed; this Bill, too, was identically the same as that sent down from the Legislative Council last session<sup>74</sup>, and they wished to get the measure before the Upper House as soon as possible, so that they could not have the excuse they had last year of want of time to pass it.<sup>75</sup> Why, then, he would ask, should they defer going into committee on the Bill at once, others preventing the other branch of the house having the Bill in time to consider it? He firmly believed that a majority of the other house would take the Bill into their favorable consideration. And he would say, that if even there was a Bill deserving the favorable consideration of both houses, it was this.<sup>76</sup> He did not intend now to speak of the principle of the Bill, that principle having been adopted, and if it became law he believed the Legislative Council would not only command the confidence of the people of Canada, but would be the most Conservative branch of the Legislature.<sup>77</sup>

MR. BROWN.--Not a doubt of it. (Hear, hear.)<sup>78</sup>

[MR. SOL. GEN. H. SMITH] would, therefore, hope that the house would at once go into committee on the measure.<sup>79</sup>

MR. MACKENZIE said he had voted for it, but he considered it the most absurd Bill ever brought into any Legislature since the creation. (Laughter.) He had been almost ashamed to vote for it. When he saw the hon. member for Lambton standing nearly alone with his learned brother the member for Toronto, he almost thought they had the sense of the country on their side. He would be glad if the hon. member for Lambton could make the Bill better, but if he did, he did not think the Legislative Council would pass it, for it was never anything but absurdities that they did pass.<sup>80</sup>

MR. SICOTTE the SPEAKER called the hon. member to order.<sup>81</sup>

MR. MACKENZIE explained.<sup>82</sup>

MR. COM. CR. LANDS CAUCHON could not see why hon. gentlemen should defer going into Committee on the Bill. There was nothing new in the measure. It had been discussed at length, during the preceding Session. He would therefore, move that the house go into Committee of the Whole on the Bill.<sup>83</sup>

MR. J. SMITH (Victoria) hoped the bill would not be pushed farther to-night. He had objections to some of its details, and intended to move amendments himself. We would rather vote against the bill than have it pass in its present shape.<sup>84</sup>



MR. J.S. MACDONALD would support the Government in pushing the motion. They had promised to pass it through at the earliest possible moment, and he<sup>85</sup> would do nothing to prevent the house going on with it. Let no gentleman who desired to see the Bill go through the house throw any obstacle in the way, if he agreed with it in principle. Those hon. gentlemen who had not voted for the Bill had not acted in a proper way: and he (Mr. McD.) began to think that there was something in this opposition. He thought, however, that the Bill should be carried out. Let the house make some progress in the Bill to night, and examine it in detail.<sup>86</sup> He began to believe the ministers were in earnest and meant to pass the measure through the Upper as well as this House.<sup>87</sup> He hoped the Government would see that it passed in the other House, for the country would support them even in adding members to the other branch, rather than it should not pass. He did not agree, however, to all the details of the bill<sup>88</sup>, and would oppose such details, in the same manner that he would oppose the Government in all things that were objectionable.<sup>89</sup> He thought it was too Conservative in its character, and the Upper House was too Conservative already.--What they complained of now was, that when gentlemen were put in there, even Radicals became Conservatives before long, and supported any Administration that happened to be in power, with the exception, perhaps, of two or three independent members. They had not been known to take any material stand with reference to measures that had gone through this house, except with regard to the Registry Act, and on another occasion when they refused to pass a vote of supply.<sup>90</sup> [However,] if hon. members desired to consult the interests of the people they would pass this Bill.<sup>91</sup>

MR. ROBINSON said that was rather an odd objection. The fault that used to be found with them was, that they would not pass the bills from this house, but the hon. gentleman's objection now was, that they passed all the bills.<sup>92</sup>

MR. COM. CR. LANDS CAUCHON did not think it fair that on this occasion any member should use any harsh language towards the House. He did not think that any member could say that the members of the Legislative Assembly had not done their duty. Such a thing could not be thought of.<sup>93</sup> [He] then moved, that the house go into committee on the bill.<sup>94</sup>

(146)

*The Honorable Mr. Cauchon moved, seconded by the Honorable Mr. Spence, and the Question being proposed, That the Bill be now committed to a Committee of the whole House;*

MR. BROWN rose to move an amendment. He said--The Solicitor General has told us that, if this Bill passes it will erect one of the most conservative bodies known to representative institutions. I endorse the sentiment of the hon. gentleman. I do believe that, if this Bill passes, we will have one of the most absolute, arbitrary, Tory bodies known under any system of representative Government in the world.<sup>95</sup>

MR. ROBINSON.--That is the very reason I voted against it. (Loud laughter.)<sup>96</sup>

MR. BROWN.--I very well understand the reason why the hon. member for Simcoe, Tory, as he is, voted against this Bill; it is because he can perfectly see that the very conservative character of this measure, the arbitrary influence which this new house will exercise over the legislative proceedings of the country, will soon raise a strong feeling of resistance<sup>97</sup> to both the body and system<sup>98</sup> throughout the

country--that a cry for further changes will soon arise--and a written constitution sor (sic) elective Governor and all the rest of the American system to be adopted.<sup>99</sup>

[Cries of] hear, hear.<sup>100</sup>

[MR. BROWN:] Hon. gentlemen around me cry hear, hear. Why do those hon. gentlemen vote for this Bill? Simply for this reason, that they believe it is a stepping stone to the adoption of Republican Institutions. I do not mean, Mr. Speaker, for one single moment, to say that these gentlemen wish to see a Republic established, and our connection with Great Britain dissolved. I do not believe they entertain any such sentiment. They say we have a system of constitutional government in operation in England, and another system of constitutional government in the United States; and choosing between these two systems of Government, they say that the Amercean (sic) system is that which is best adapted to the position of Canada. That, I believe, is the ground taken by the great majority of the members of this house. I admit there is force in their arguments, but I am quite prepared to meet them upon that issue, and to show that the system of government in Great Britain is infinitely superior to that of the United States--that the latter system, for the solid advantages obtained through it, cannot be compared for a moment, with that of the mother country. (Hear, hear.) And it was because I feel that if I vote for that bill I help to establish American, and to overthrow British institutions, that I am proud to-day to vote in a minority--and though it be a minority of six to a hundred! I am well persuaded that few who will consider calmly the importance of this measure, will hesitate before voting in the reckless way in which it is proposed to carry through this bill. But I shall not detain the house on this point. I know it is a foregone conclusion, that the house is determined to proceed with the measure, and I am sure no argument that could be adduced would change the vote that must be come to. And yet I would just say this, that from personal intercourse, personal conversation with the members of this house, and from recorded speeches of the members--I am persuaded that if you were to go round this house to-night, and ask each member separately, "what do you think of this question?"--you would find that the great majority of the members of the house, in voting as they did, have done it with fear and trembling, and very great doubt as to the probable results of the measure.<sup>101</sup>

Loud cries of no, no.<sup>102</sup>

[MR. BROWN:] Hon. gentlemen say No, but I could take the speeches of a large number of the members of this house, and show that this is the fact. (Hear, hear.) But I know it is of no use, and that those hon. gentlemen who have already recorded their votes for the measure will continue to do so. It is a point not to be resisted, that you cannot have two Elective chambers with a British constitution and Executive. (Hear, hear.) You cannot have two elective bodies, and Responsible Government at the same time. The thing is absolutely impossible. When the Lower house and the Upper get into collision--say that we shall address the Governor on one side of a question, and that the Upper house should address him on the opposite side of it--where then, I ask, would be the responsibility of the gentlemen on the Treasury Benches? (Hear, hear.) Which house shall the Governor obey? Shall we in the Lower house alone speak the views of the people, or shall those in the Upper house? And when one branch representing the people shall say one thing and another branch also representing the people shall say the opposite, in which view is the Governor General to act? My hon. friend from Montreal (Mr. Holton) says, "how is it

now?" But we know very well that the case is entirely different. The members of the Upper house are now appointed by the Crown. They do not represent the people. They represent a certain class interest. They are supposed to represent the property of the country, the non political part of the country. It is not supposed under our present system, that the Legislative Councillors shall stand out stiffly against the views of this house on any political question. I apprehend that the Upper house, as it is now constituted, is intended rather as a check on hasty and rash legislation, than as an active political body. They have no responsibility to constituents, they have to carry out only their own personal views; and when the voice of the public is strongly expressed, they can yield to it, without any impeachment of their integrity. But how will it be if you change the constitution of that body? Is it not evident that the Legislative Councillors, instead of representing themselves as they do now will represent constituencies as much as we do do (sic)--will be bound by the same responsibilities as we are, and obliged to carry out the views of their constituents in the same manner. And will we in this chamber not be connected with them by the closest ties of political companionship? Will we not look to them to carry out our view in the upper house, while they will look to us to carry out their views here? We will take for instance any of the measures which the government propose to introduce this session, say their law bil[1], or the police bill--suppose we were defeated on any such measure but had a majority in the upper house; would we not follow it up there, and insist on our friends in the upper house throwing it out? And what would hon. gentlemen do then?<sup>103</sup>

A member.--Send it back to the Assembly!<sup>104</sup>

MR. BROWN.--If you do, and they again send it up, what shall be done then?<sup>105</sup>

A member.--Dissolve!<sup>106</sup>

MR. BROWN.--You cannot dissolve under this bill. And I urge this fact strongly on hon. gentlemen who profess to be upholders of Responsible Government. This bill does not allow the Governor to dissolve! The members are to be elected for eight years, and there they remain for that period with the whole power of government in their hands. The Solicitor General was right. I know no legislative body under any free constitution on the earth at this moment, to which such power is given as will be under this bill.--There they will stand above the people for eight years--no chance of getting at them, no power of dissolution--and there they will stand the permanent branch of the Legislature, however the government and the assembly may be changed. We may be all removed several times, aye and more than one Governor General may pass away, but there these Legislative Councillors will stand, ruling the affairs of the country for eight years.<sup>107</sup>

[A member:] So they do now.<sup>108</sup>

[MR. BROWN:] I ask if that is the case? Is it so now? What is the complaint made against the upper house? That it is too pliant to the popular will! There was a time before Responsible Government was introduced, when the Governor General took his cabinet from any quarter he chose, and appointed all the members of the second branch. When the head of the government was not bound to yield to the wishes of this House,--then indeed there might have been a necessity for an Electtve (sic) Upper House. But that day has passed away.--Now we have the control of that body. This House nominates the Executive, and the Executive nominates the members of the



Upper House. In the long run, the Legislative Council must yield to the will of this House.<sup>109</sup>

MR. GAMBLE.--That is the objection to it!<sup>110</sup>

MR. BROWN.--If the hon. gentleman thinks that he and I agree as to the position the Upper House should occupy, he is entirely mistaken. He wants the Upper House to be a check on the proceedings of this House. I do not want anything of the kind. My objection to it is, that it will be a restraint on this House, and I say that this House is too conservative now. The hon. member for South York looks at it from the Conservative view; I look at it from the Reform point of view. And it does astonish me how gentlemen professing to desire the progress of liberal opinions and liberal measures in this country, can desire the success of a measure directly tending to put Conservative shackles upon this House. I appeal to the Reform members for Upper Canada, who are supporting this Bill.--I ask them what is the difficulty we have to contend with now? Does it proceed from the Upper House? Is it not rather the Conservative element in this House that is the difficulty we have to grapple with? (Hear, hear.) Do we not find ourselves encountered at every step by the Lower Canada Conservative element in this House? And, not content with that, shall we carry a Bill which is to introduce that same Conservative element--aye, ten times more strongly into the second body? (Hear, hear.) I do wonder at hon. gentlemen who have been working for years for the settlement of the Clergy Reserve question--who have been striving for representation by population, non-sectarian education, and all those progressive measures which the people of the West want--I do wonder, I say, at men who have felt the heavy obstacles we have encountered on other questions from the French Canadian element in this House, trying still further to build up that same Conservative element of resistance against their own views in a second chamber. (Hear, hear.) I do not say that the present constitution of the Council is all that could be desired.<sup>111</sup>

MR. J.S. MACDONALD (Glengary).--What would you do with the Upper House?<sup>112</sup>

MR. BROWN.--I would let it alone for the present. It does little harm, and a certain amount ... of good. But, if you will change it, then I say abolish it altogether, and let us have but one chamber. (Hear, hear.) As an Upper Canada Reformer, I want no additional difficulties placed in the way of Reform principles. We have enough of that here. How infinitely (*sic*) more difficult would be our position, had we two such houses as this to overcome! But I feel that it is useless discussing the principle of this Bill; it has been adopted by the house, and will be persisted in. I deeply regret it. The result is not difficult to foretell. The two branches will ere long disagree. Were this Bill passed to-morrow, you would soon find a Reform majority in the Upper House pitted against the supporters of the coalition in this. I believe that would be the character of the Upper House after its first election. We all know that the unpopularity of hon. gentlemen on the Treasury Benches is such that you could not make any appeal to the country which would not result in a strong condemnation of their proceedings.<sup>113</sup>

Hear, hear, and cries of No, from the ministerial side.<sup>114</sup>

[MR. BROWN continued:] I believe at the first election we would have the Legislative Council entirely filled with members of the Opposition.<sup>115</sup>

MR. COM. CR. LANDS CAUCHON.--Why, then, do you not vote for it?<sup>116</sup>

MR. BROWN.--Because, among other reasons, from whatever party the members may be taken, if you make them independent of the people for eight years, you by that very fact make them Conservative.--<sup>117</sup>

MR. S. SMITH (Northumberland).--Say Four years.<sup>118</sup>

MR. BROWN.--I am happy to hear the hon. gentleman say four years--for it assures me he will vote for the motion I am about to move. (Laughter.) Perhaps the hon. gentleman will second it? Mr. Brown ... [then] read his amendment<sup>119</sup>, that the members of the Legislative Council be elected for four years--one half of its members to go out at the end of every second year--and that the members of the Legislative Assembly be elected every second year.<sup>120</sup>

MR. S. SMITH said.--I don't think I will second it. (Laughter.)<sup>121</sup>

MR. BROWN.--Ah, the hon. gentleman backs out! It is always thus with gentlemen supporting the Government. (Hear, hear.) The hon. gentleman himself deliberately suggests a four years' house, and when brought to the book, he won't kiss it. (Hear, hear.) There are other details of a highly objectionable character. In the second clause it is declared that all the present Councillors shall hold their seats for life; that the appointed members shall sit alongside the elected members. What a happy family! Just imagine those forty-eight elected members and some forty appointed by the Crown sitting together in one Legislative body envious and jealous of each other. I ask you whether the members sent there to represent the views of the people will ever submit to have the views of their constituents voted down by men representing only their own persons? How can such a thing ever be carried (sic) out? (Hear, hear.) And then the Councillors are to be elected for eight years. I appeal to you whether one of the difficulties we have to contend with in this house is not that we are elected here for so long a period that hon. members before they are fairly in their seats forget all their pledges to their constituents?<sup>122</sup>

MR. S. SMITH (Northumberland).--Oh!<sup>123</sup>

MR. BROWN.--The hon. gentleman, when he goes back to his county, will find from his constituents that he has forgotten his pledges. I believe in the principle that the popular will should prevail in the administration of public affairs--and I am quite satisfied, that if we had a shorter term than we have at present it would be productive of a healthier public tone. Probably a three years' term under our present institutions would be best, and we should then have a very different style of legislation to what we have now. And with the knowledge of all this, we are asked to adopt a measure which is to establish a second branch above us for eight years, with full control over our whole legislation! And I wish to call the attention of hon. members to this point, that in this bill it is proposed to give one half the members of the Legislative Council to Lower Canada, and one half to Upper Canada. (Hear, hear.) Could a grosser injustice be done to the people of Upper Canada? Is there a single man upon the floor of this house who does not think that Upper Canada is grievously wronged by our having only the same number of representatives as Lower Canada, when we have 250,000 larger population, and are paying three-fourths of the whole revenue.--(Hear, hear.) Do the hon. gentlemen oppose them, in bringing down this measure adopt the just principle of Representation by Population? No they adhere to the same unfair system of divided representation, and seek to fasten it so firmly upon us that for the term of eight years at least we cannot get a change (sic). Do the gentlemen on the Treasury Benches imagine that the people of Upper

Canada will submit to be eight years without Representation by Population,--will wait until she has doubled the population of Lower Canada ere commencing to get redress? No, sir, and I ask hon. gentlemen of Upper Canada, whether they will submit to have such a burden, such injustice inflicted on their constituents?<sup>124</sup> Why, he would ask, should honble gentlemen from Upper Canada in favor of this great principle, thus voluntarily shackle themselves? Aye, worse than shackle themselves; for he would say that<sup>125</sup> if a deliberate act of suicide was ever committed by man, it would be that of hon. members for Upper Canada voting for such a bill as this. I cannot doubt that hon. gentlemen opposite had a purpose in view when they proposed this bill; it is simply a bill to put Upper Canada under the heel of Lower Canada for the next few years to come--and hon. gentlemen opposite must have known it. (Hear, hear.) Have we not great difficulty in obtaining Representation by Population? And with all this difficulty to contend with,--striving, as we are, not to get any advantage over Lower Canada, but to be placed upon the same position as the people of Lower Canada, I say knowing the difficulty that we have to contend with, and that there may be many months of agitation before we can accomplish our end; is it not complete suicide that we should pass this bill, which is to increase our difficulties ten-fold. It is impossible that hon. gentlemen can vote for such a measure. It is true that if such an amendment as this were adopted; if the Legislative Councillors were to be elected for four years, and the lower house for two years, then I think there might be some probability of our effecting some progress. Then again this body is not to have the choice of its own Speaker, that functionary is to be appointed by the Governor. Would we consent to that in this House? And if we would not submit to it as we certainly should not, how would the Elective Upper House assent to it?<sup>126</sup> After enumerating several other objections to the proposed measure, the hon. gentleman concluded by moving<sup>127</sup> in amendment, that the words "and that it be an instruction to the said committee, to amend the bill by providing that the members of the Legislative Council shall be elected for four years--one half retiring every second year; and that the members of the Legislative Assembly shall be selected for two years, be added at the end thereof."<sup>128</sup>

[The motion was] seconded by MR. FOLEY.<sup>129</sup>

MR. S. SMITH, (Northumberland,) only rose to reply to an allusion of the hon. member for Lambton to his (Mr. Smith's,) position towards his constituents. The hon. member would do well to look more towards his own constituency, and less to his neighbor's. When he went down to Peterboro' lately, he disposed of all the constituencies as he went along. He was not so ready--he said, less about it when he came back. He would give the hon. member this pledge, that whenever he would resign his seat and go back to his constituents he, (Mr. Smith,) would do the same, and then they would see who would come back again.<sup>130</sup>

Hear, hear, from the cross benches.<sup>131</sup>

MR. LORANGER said, as a member from Lower Canada he felt it his duty to protest against the observations made by the hon. member for Lambton. He protested against the attempts of that hon. gentleman for representation by population.<sup>132</sup> (Hear, hear.)<sup>133</sup> It is one of the standing principles of the Union; one of the standing principles of our Canadian constitution, that representation shall not be according to population. Did the hon. member think for an instant, that if the representation of Upper Canada was to be increased over Lower Canada, that the people of Lower Canada would stand the Union?<sup>134</sup> (Hear, hear.)<sup>135</sup> Did he think they would submit



to the constitution which now unites the two sections of the Province, if representatives were to be more numerous in Upper Canada than in Lower Canada?<sup>136</sup> Je vous le dis, M. l'Orateur, et que tout membre du Haut-Canada qui aime et apprécie à sa juste valeur, l'Union des deux provinces, entende mes paroles et en fasse sa règle de conduite relativement à cette question. Jamais, non jamais le Bas-Canada ne se soumettra à la représentation basée sur la population. (Ecoutez!) Que de la simple théorie, un seul député essaie de passer à la pratique relativement à ce principe pernicieux et l'on verra toute la représentation bas-canadienne, oubliant ses divisions politiques, se liguier pour repousser cette injuste doctrine et le peuple du Bas-Canada, oubliant toutes les différences de races, s'unir comme un seul homme, contre ce principe ou contre l'Union. (Ecoutez!)

Eh! M. l'Orateur, ce n'est pas l'égoïsme, ce n'est pas le besoin de se défendre contre l'empiètement du prochain, ce n'est pas le sentiment qui deviendra la victime de ce principe, ce n'est aucun de ces trois instincts qui pousse le Bas-Canada à rejeter bien loin de lui cette nouvelle doctrine. C'est une plus noble et plus généreuse impulsion, c'est l'amour de la justice, pour elle-même, sans s'occuper si nous devons perdre ou gagner à son triomphe.

S'il est vrai, en effet, qu'aujourd'hui nous ayons tout à perdre à la mise en pratique du principe de la représentation basée sur la population, il ne faut pas oublier, M. l'Orateur, qu'il fut un jour où nous aurions tout gagné à l'application de cette doctrine et où pourtant nous ne voulûmes pas même y songer. Lorsque la population du Bas-Canada était bien supérieure en nombre à celle de l'autre partie de la province, les représentants du Haut-Canada nous auraient-ils considérés comme les bien-venus si nous avion[s] réclamé une plus grande part dans la représentation nationale?<sup>137</sup> (Hear, hear.)<sup>138</sup>

Une voix.--Vous le fêtes (sic).<sup>139</sup>

MR. LORANGER.--Quelques jeunes hommes inexpérimentés, quelques vieillards au cerveau toujours jeune et ardent ont pu demander alors pour le Bas-Canada ce que l'hon. député de Lambton réclame aujourd'hui en faveur de l'autre partie de la province; mais ce n'était là qu'une exception.<sup>140</sup> It was an idea which the great bulk of the people of Lower Canada opposed. At that time it was felt that it was one of the standing principles of the Union that representation should be equal, and we feel it now for the same reason we did then. At that time our population was more numerous, but we felt it to be a principle of justice that representation of one section should not be represented against the other.<sup>141</sup> Et aujourd'hui, parce que les positions sont changées, parce que le Haut-Canada est le plus peuplé, voudrait-on nous mettre un frein dont nous n'avons pas voulu nous servir contre les autres. Est-ce là un désir généreux? Mais non, je n'en appelle pas au coeur des députés du Haut-Canada, car en politique quelquefois la générosité est une mauvaise conseillère. Je demanderai simplement si cette tentative que voudraient faire certains députés est conforme à la justice?

Si ces représentants sont réellement mûs par le simple sentiment de justice, oseront-ils dire qu'il y a dix ans passés ils auraient proposé les mêmes principes, bien qu'au détriment de leur pays? Et si un jour, la population du Bas-Canada devenait plus grande que celle du Haut, les députés de Lambton et de Haldimand demanderaient-ils franchement que le chiffre de notre représentation bas-canadienne fût augmenté?

Je vois, M. l'Orateur, des sourires et des regards de doute autour de moi, comme si je venais de mentionner une éventualité impossible. Mais que l'on se rappelle que la population haut-canadienne doit son accroissement à l'immigration et que

cette dernière peut cesser tout-à-coup de se déverser dans la province ou changer la direction de ses flots et s'écouler dans nos vastes solitudes de l'Est. Dans l'une de ces deux éventualités, soit que l'immigration vienne à notre secours, soit même qu'il cesse entièrement de venir des immigrants dans la province, la population du Bas-Canada qui s'accroît sans cesse d'une façon normale, deviendra numériquement supérieure à celle du Haut. Les députés de Haldimand et de Lambton nous appuieraient-ils alors si nous exigeons une part plus grande dans la répartition de la représentation? Mais ils ne se trouveront jamais dans cette position embarrassante, car jamais dans un avenir très probable, pas plus qu'il ne l'a fait dans le passé, le Bas-Canada ne prend là l'avantage de la supériorité numérique de sa population pour commettre une injustice.

Aujourd'hui, M. l'Orateur, c'est le Haut-Canada qui, par la bouche de quelques-uns de ses membres nous menace de cette injustice.<sup>142</sup> He knew that this idea of representation was nothing more than utopian, and not at all the feeling of the reasonable minded people of Upper Canada. (Hear, hear.)<sup>143</sup> They see that if that measure was adopted, the constitution could not stand. He knew that it was advocated by the hon. member for Haldimand, but so long as he was the only member who advocated it, nobody attended to it. But when the hon. member for Lambton rises upon this bill to advocate the same idea, he as a Lower Canada member should certainly vote against it.<sup>144</sup> Puisque l'utopie menace de prendre une forme, nous devons protester de toutes nos forces. Périclisse plutôt l'Union que de nous soumettre à cette nouvelle exigence, (sensation profonde).<sup>145</sup>

MR. GAMBLE congratulated the Ministry upon the early introduction of this measure. He accepted it as an evidence of their sincerity and of their determination to carry it through both branches of the Legislature and bring it into operation at no distant day.--This was one of the reasons why he desired to keep these hon. gentlemen in their places; because he considered it was one of those useful measures which they have it in their power to carry out, and this was the time most opportune for carrying it out. He did not think this could be properly styled a conservative measure, but he advocated it because he thought it would be an anti-democratic measure. He did not believe in all the power being engrossed by this House. Our Government was in his opinion the most democratic Government on the face of the earth. They might turn to any country but they would find nothing to equal it, and he defied them to make it more democratic than it is; and it was because he did not believe ... [that] a system of Government where all power is engrossed by one branch of the Legislature as it is engrossed here can exist for any great number of years as a stable Government, that he advocated this measure.<sup>146</sup> The hon. member for Lambton had said, they of the Assembly nominated the members of the Executive. It was true, that as controlling the Executive they virtually nominated and controlled the Upper House...; and it was just to avoid this that he desired to see the Council made elective.<sup>147</sup> It is very true that in times of great prosperity you may go on smoothly; but it is in times of difficulty--times of trial, when strong political feeling is roused, that the evil would be felt of having a Government when (sic) one branch assumes the whole power. Such a form of Government is a pure despotism. He did not desire to have the Legislative Council under the influence of this House, because a time may come when the action of this House may produce such a feeling in the country as to occasion almost a revolution,<sup>148</sup> and then shall we feel the need of a Council constituted like the one proposed in this Bil[1]. On no other foundation can it be constituted so as to gain that power and standing in the country which it ought to have. Take any man of the Council, no matter how gifted in talent, and bring him in opposition to members of this house on important measures. What will be the result? His arguments will be listened to attentively, and

pronounced, perhaps, sound in the main, but then whom do you represent, someone will ask him.<sup>149</sup> Send that man into the Lower House, and what a difference would it give to his opinions if he could say he spoke on behalf of three thousand people<sup>150</sup> [OR] 30,000 people, while the hon. gentleman of the Upper House only represented himself.--So long as these things exist they cannot possess either the power or the influence they ought to have as a legislative body. It was perfectly true that he advocated this measure because he believed that it would lead to further changes,--because he believed it would lead to an Elective Governor, and to other changes in the legislation of this country. Such a change did not involve any change in the Sovereignty; but it only placed the legislative power within the control of the people of this country--who were the most deeply interested in controlling it. He did not recognize the right of one man to rule over another except by his consent. He did not think, however, that the mode by which this change is to be accomplished is the way in which it should be done. He believed that any change of the Constitution ought to be proposed by a Convention authorised to meet for that particular purpose, and having been determined up[on], should then be<sup>151</sup> ratified by general vote of the people,--not passed by that House to be altered again in a year or two.<sup>152</sup> Were this course more often adopted, this house and the Legislative Council could not do many things which they have done.<sup>153</sup> He thought they should have a constitution which would be a restraint on the action of the legislative body, and prevent its indiscreet action. Some had held, among others the Hon. Mr. Hincks, that the introduction of the elective principle into the Upper House would not interfere with the present system of responsible government.<sup>154</sup> Although he (Mr. Gamble) differed from that hon. gentleman in this matter, he was not prepared to say that he was right and Mr. Hincks was wrong. With regard to the objection made to a term of eight years, he would much rather prefer six. Yet he was so anxious to see the measure carried, that he would accept it as it was, rather than delay the carrying out of the principle involved.<sup>155</sup> Hon. gentlemen who object to this forget that one fourth of the house is to be elected every two years, so that a sufficient amount of the popular element will be infused into it. With regard to the election of Speaker he thought it would certainly be better that the Speaker should be elected by the house. But the object is to carry the system of Responsible Government, and therefore he did not see what could be urged as an objection to the operation of the bill.<sup>156</sup> The Speaker must necessarily be of the Administration, and why not then be appointed by the Government? The question of Representation by Population, which had been introduced into this discussion, was one of the greatest objections which he had to the passage of this Bill. He was an advocate of Representation by Population and he did not believe the people of Upper Canada would quietly submit for ever to the present system of Representation.<sup>157</sup> From the first time he had a seat in this house, he had advocated this as the only true basis, the only one which should prevail in this country.... He admitted the abstract principle upon all occasions, and the time was not very far distant when this principle may be worked out.<sup>158</sup> He could not understand the equal apportionment as a condition of the Union, but he doubted if this was the time to make such a change. Assuredly, the hon. member for Lambton was not the man to propose it with any chance of success.<sup>159</sup> It must come from the ministry, in order to ensure any prospect of success--considering this, however, a great improvement upon the present system, he was prepared to vote for it.<sup>160</sup>

MR. PATRICK, seconded by MR. CONGER,<sup>161</sup> offered, as an amendment to Mr. Brown's amendment, that the term for which the members of the Council should serve be six years, one-third retiring every two years. After consulting with Mr. Brown he withdrew his motion until the amendment had been tested.<sup>162</sup>



MR. TURCOTTE spoke at some length in French<sup>163</sup>:--M. l'Orateur, bien que nos sentiments sur la question de la représentation soient ceux que l'hon. représentant de Laprairie vient d'émettre, je ne puis cependant garder le silence. En face de prétentions exorbitantes, ce ne sera pas trop de deux voix pour pousser le même cri d'indignation. On s'étonne vraiment que le peuple du Bas-Canada soit décidé à briser comme verre l'Union des deux provinces si la proportion de la représentation est changée d'un côté. On a la mémoire bien courte! Y a-t-il donc si longtemps que le Bas-Canada avait un chiffre de population d'un tiers plus grand que celui du Haut-Canada? Ah! ce n'est pas alors que le député d'York (M. Gamble,) était en faveur du nouveau principe, même en théorie, quoiqu'il dise que dans l'abstrait il a professé cette opinion dès qu'il a pris place pour la première fois dans cette Chambre. (Applaudissements.)

Le système d'égalité dans la représentation des deux provinces a été toujours la clef de route (*sic*) de notre jeune édifice politique; le bill pour amender la constitution du Conseil Législatif ne fait que le confirmer de nouveau et j'espère que le bon sens de la majorité le fera triompher.

Et d'ailleurs à quoi bon le discuter? Ce principe, dans tous les cas, ne signifie quelque chose qu'autant que l'Union des deux provinces est conservée. Et je vous le dis, M. l'Orateur, si jamais le peuple du Bas-Canada voit que ce principe a une chance de triompher, il le rendra inutile en brisant l'Union.

Croit-on que le peuple du Bas-Canada qui a déjà fait tant de sacrifices, consentirait à exposer les intérêts de sa religion, de sa race, de sa langue en donnant une majorité réelle, un pouvoir absolu à un peuple de race, de religion, de mœurs différentes (*sic*)? Ah! ne touchez pas à ces choses, n'osez pas même le tenter, car tout ce que nous avons souffert n'est rien, tous les sacrifices qu'on nous a demandés ne sont rien auprès de celui qu'on voudrait exiger aujourd'hui. Celui-là attaque notre honneur. L'honneur, M. l'Orateur, nul ne sait ce qu'il vaut autant que les Français et no[u]s sommes Français....! (Grande confusion dans la salle.<sup>164</sup>)

[MR. SICOTTE the SPEAKER] en se tournant à droite et à gauche...: Ordre!<sup>165</sup>

[MR. TURCOTTE continued:] Nous avons une mère, grande, glorieuse, généreuse; une mère et pas une marâtre celle-là! une mère qui semblait nous avoir oubliés, mais dont l'amour se réveille: c'est la France! la France qui, bientôt peut-être, nous enverra des cohortes de nouveaux frères pour peupler nos vastes et riches solitudes. Alors, M. l'Orateur, si le peuple canadien-français comptait 100,000 têtes de plus que la population anglaise du Haut-Canada, se trouverait-il parmi ceux qui représentent cette dernière un seul homme en faveur de la représentation basée sur la population? Je veux de la franchise (*sic*); s'il s'en trouve un seul qui se lève courageusement. Mais non, tous ceux qui admirent ce faux principe dans l'abstrait d'abord et puis dans la réalité s'il est à leur avantage, tous ceux-là se taisent (*sic*) si le principe se trouve [c]ontre eux; ils n'en veulent plus et nous, M. l'Orateur, nous n'en avons jamais voulu et nous n'en voudrions jamais, qu'il soit en notre faveur ou en notre désavantage.

Et ce dont nous ne voulons pas fermement, personne, non personne ne saurait nous l'imposer. Nous ne sommes pas si bas que certains hommes le pensent. Nous ne voulons mettre le talon sur la gorge de personne, comme le député de Lambton se plaît à dire; mais nous ne sommes [pas] si près d'avoir le talon des autres posé sur notre gorge, comme il se plaît, sans doute, à l'espérer. Et si jamais l'union de toutes les provinces britanniques de l'Amérique était décidée; si jamais le chef de ce jeune empire devait être choisi parmi nous, croit-on qu'un français n'aurait pas autant de chance qu'un autre d'être investi de cet honneur? (Rires sur quelques

bancs, applaudissements sur quelques autres.) Si jamais le cri de guerre éclatait d'un bout de la province à l'autre, croit-on que nous, nous qu'on voudrait traiter en hôtes, n'aurions pas autant de chances que d'autres de défendre le pays et de conquérir la gloire? Alors, il est vrai, on serait moins roide à notre égard. On mettrait de côté les principes abstraits; on nous choierait; on nous traiterait de frères et sur le pied d'égalité. Eh! bien, M. l'Orateur; restons-y à présent sur ce pied d'égalité, si l'on veut que nous soyons frères, et restons frères, car personne ne sait toutes les éventualités que l'avenir nous réserve.<sup>166</sup> He next alluded bitterly to the necessity under which Britain had always felt herself when she wanted the aid of Canadians, to send them Governors who treated the French Canadians civilly, and did not, as a Governor had recently done, characterise them as an inferior race. He went on to say that if the French Canadians were to be treated as an inferior race, let the superior race go first in case of a war with the United States, and it would ever be best for England to think twice before she went to war with the United States, for though in such a case the French Canadians would act as their fathers did, they would not do so if they were exposed to insult, since the first principle with them was the principle of honour.<sup>167</sup>

MR. BELLINGHAM said that the hon. member from Lambton urged that making the term of office eight years, would prevent an expression of opinion by this house and by the country. If that gentleman opposes this measure, he opposes a step in the right direction. The hon. member from Lambton has alluded to the British Parliament in defence of his position. But he (Mr. Bellingham) could tell that hon. gentleman that English legislation was opposed to the system advocated by that hon. member.<sup>168</sup> The British Government had at first attempted to make a House of Lords for Canada out of the Seignors of Lower Canada, but they had since introduced the democratic element, and thus go on in that way till the time had come when the attempt would be made to break down religious institutions, the only conservative institutions now existing.<sup>169</sup> The hon. member for Lambton described the Upper House as a nonentity. If so, then was the constitution of the Lower House a Democracy? In the time of Mr. Pitt, a suggestion was thrown out that there should be a large tract of land left unoccupied between Canada and the United States so as to keep the people of Canada separate and from learning or leaning to the institutions of the States.<sup>170</sup> He thought the rural population was always more conservative than the towns, and therefore imagined that persons elected by very extensive constituencies would be men of mark for their statemanship and speaking with authority. On that account he liked the bill. As to representation by population,<sup>171</sup> the people of Lower Canada acted with great forbearance when the power was in their hands, and consented to an equal representation from the two Provinces. And it ill becomes Upper Canadians to hasten legislation on this subject. No one denies the great amount of immigration to Upper Canada<sup>172</sup>. At present the population is travelling westward, and districts at present sparsely populated will be filled up by emigration<sup>173</sup>, and a time must come when that question would press for settlement. That could not be while the limits of the country were as they were at present, for the counties between the St. Lawrence and Ottawa would of course oppose a principle which would diminish their influence in the Legislature.<sup>174</sup> One thing is certain--all countries where there is no back country to assist them in increasing their population, will resist this measure of Representation by Population and, with the Lower Canadian members, will carry the vote of this house. He thought that the expiration of the Charter of the Hudson Bay Company would induce such immigration as might, perhaps, put another aspect on the question of Representation by Population.<sup>175</sup> The Northwestern territory would become available--the lands were rich and the climate inviting; and it was very probable in less than ten years that territory will represent in toto

20,000 souls<sup>176</sup> [OR] a hundred thousand inhabitants,--and then would be the time to settle this question.<sup>177</sup>

The amendment of the hon. member for Lambton was then put<sup>178</sup>.

(146)

Mr. Brown moved in amendment to the Question, seconded by Mr. Foley, That the words "and that it be an Instruction to the Committee to amend the Bill, by providing that the Members of the Legislative Council shall be elected for four years, one-half retiring every second year; and that the Members of the Legislative Assem-

(147)

bly shall be elected for two years" be added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bourassa, Brown, Bureau, Christie, Charles Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Freeman, Gould, Hartman, Jobin, Mackenzie, Marchildon, Munro, Papin, Prévost, Rolph, Scatcherd, Valois, and Wright.--(25.)

NAYS.

Messieurs Bell, Bellingham, Biggar, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chapais, Chisholm, Conger, Cooke, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, DeWitt, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Octave C. Fortier, Fournier, Gamble, Guévremont, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Lyon, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Masson, Mattice, Meagher, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Patrick, Polette, Poulin, Pouliot, Price, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Stevenson, Thibaudeau, Turcotte, Wilson, Yeilding, and Young.--(72.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now committed to a Committee of the whole House;

MR. PATRICK then moved ... his amendment substituting six in place of a term of eight years--one third to retire every two years. He considered the example of the United States was worthy of our consideration. It was one which had given general satisfaction in the States.<sup>179</sup>

[The motion was] seconded by MR. J.S. MACDONALD<sup>180</sup>.

MR. MACKENZIE said that he had given his vote for the amendment of his hon. friend from Lambton, because he believed it to be the best. He could not vote for a term of six years. No doubt the present house was the most perfect set of men that ever occupied these seats. But there used to be members who would come up here and from the day they first took their seats voted directly against all their former principles and convictions of conscience, bribed and hired so to act.<sup>181</sup> (Order).<sup>182</sup>

MR. SICOTTE the SPEAKER called the member to order.<sup>183</sup>



MR. MACKENZIE continued that in our own country we had such cases recorded, and by such men as Macauley, whom no speaker could put down. It was obvious that if the men in the Upper House were incapable it were better they were turned out. In turning back to the pages of history we shall not find that those men who were so elected by the people acted otherwise than as the friends of the people, and such men who were the fittest to review the conduct of public men to whom are entrusted the dearest rights of the community, if any one could prove that they have I am quite willing to say that I am wrong.<sup>184</sup> Only turn to the history of England, and we see many instances of wholesale bribery and corruption arising from the practice of our present system of government. One set of men, after sitting three years, voted themselves in for four years longer and enacted that their successors should hold office seven years. He would much rather that the members of the Council should be returned every two years.<sup>185</sup> No evil resulted to any community from having the opportunity to review the conduct of their representatives.<sup>186</sup> They would not then, as now often times, get the confidence of the people and then betray it. (Cries of "Order, Personalities.") He (Mr. Mackenzie) was never personal. He did not wish to reflect on any member.<sup>187</sup> The principle of lending Legislatures to certain views was tried by Lord Metcalfe; he wrote home that he had dissolved the House one year before the regular period<sup>188</sup> in order that he might have a new House with four years before them, who would from that fact be more in his power. That was the way with all Parliaments. Lovers of luxury and wealth were always ready to turn round on any occasion and to vote against all their previous professions.<sup>189</sup> When we see men like those on the opposite side of this house in the forenoon advocate one side of a question and in the afternoon wheel round to the other side for the sake of retaining office, we should be exceeding[ly] cautious how we receive measures coming from such men. Mr. M. then alluded to the constitution of the English Parliament,<sup>190</sup> and complained that Mr. Cobden's vote, though he represented the County of York, was neutralised by that of Mr. Labouchere's and Baring's, or of any man with money enough to buy an Irish Borough<sup>191</sup>, and remarked on the unjust principle of representation adopted, by which a man commanding 6,000 votes might be voted down by one commanding only 100. This is the system which many, who receive their \$6,000 a year, would like introduced here. He was asked to vote for the present measure as being the best to be had.<sup>192</sup> He objected to the principle of keeping men in power who were not competent; if they were not so, why keep them in for three, four, or six years.<sup>193</sup> There was not one of them who could look back upon an ancestry worthy of any notice. (Cries of "Order, order.") He thought, if the elective principle was a good one, why extend it only to a part of the Council? Now we must have the Hon. Commissioner of Crown Lands, who had deafened the house with his opposition heretofore, come to cram this measure down our throats, and all for the benefit of a clique from Lower Canada.<sup>194</sup> (Order.)<sup>195</sup>

MR. SICOTTE the SPEAKER again called the member to order<sup>196</sup>.

[MR. MACKENZIE] said he ought not to have used the word clique, he would use some other, but these men did want to rule over the men of Upper Canada. His opinion (sic) was still unaltered, that it would be best to be cut adrift from Lower Canada<sup>197</sup>. He wished not for any twenty-four men to eat the bread of the country, and at the same time destroy our prosperity as a people.<sup>198</sup> He concluded that it was a bill to help the miserable people in Lower Canada, who had not a barrel of flour to export, though they could load a few hundred ships with something else. Now, what did Lower Canada [do] for Upper Canada?<sup>199</sup>

A voice.--She paid your debentures.<sup>200</sup>

MR. SICOTTE the SPEAKER.--Order.<sup>201</sup>

MR. MACKENZIE ... [then] sat down<sup>202</sup>.

MR. AT. GEN. J.A. MACDONALD rose to explain that the bill had been fully gone into and discussed last session.<sup>203</sup> In a grave subject of this nature, involving so great a constitutional change it was to be expected that every hon. member had various opinions upon it. Every clause and proposition had been properly weighed, and when this bill was sent up to the Upper House it perhaps did not contain the decided opinions of the majority of the house upon every clause, but it was the only measure, taken as a whole, that could command such a majority. (Hear, hear.) It was a compromise made by every member who wanted to carry out the principle of an Elective Legislative Council. (Hear, hear.)<sup>204</sup> And all great questions of necessity, involving such great changes, may be called such; where the house is called on to give a little in order that it may gain all. He was sorry to see members try to do the same thing now, as was done twice last session. Then, the question as to whether the Legislative body should be in office six years or eight years was fully discussed night after night for a long period; and if these discussions are to be renewed, and amendments proposed, it will destroy the character of the bill; and the Government will not be responsible for its passage through this house.<sup>205</sup> If hon. members wanted to carry out the principle alluded to, they should accede to this bill as it stood. It was all very well for the hon. member for Lambton, and the other five members who were opposed to the bill itself, to oppose it by every means in their power.<sup>206</sup> But he hoped that the majority of the house would not do so; but would sustain the government in this matter.<sup>207</sup> Any argument brought forward or proposition made, would be met on this occasion with the same reply as on the former. As to the amendment in question, the hon. gentleman had stated that he quoted the example of the Government of the United States; that was not in point.<sup>208</sup> If the Senate was elected for five years it was because the House of representatives were elected for two years only. The Senate therefore had a term three times as long as the representatives. If this amendment passed so as to make the other branch to be acted on every second year, the other branch would be found the popular one.<sup>209</sup> (Hear, hear.) It would then fail in the object for which it was created. It would be the local representative of the different local interests in Canada. The other branch (the upper house) would be the body of control--of check<sup>210</sup>. The proposed bill, if carried out will be the exponent of the public mind; and the house should support it, as it will place the Legislative Council in a position that they will not be acted upon by public impulse.--It will place the Upper House in a fair position, and will also cause this house to act as a check upon it. There was another thing that he wished to call the attention of the house to<sup>211</sup>. He had urged in Quebec, upon the debate on this bill, that this was but an experiment, and it was true, as the member for Lambton had remarked, that every hon. member approached the subject with fear. Every constitutional change was [thus] approached. It was better in making such changes to work slowly than fast.<sup>212</sup> It was already proposed to go from a life term to eight years; if<sup>213</sup> it was found by experience that it is safe to reduce the number of years,--let it be done, but if once the propositions were adopted they could never go back.<sup>214</sup>

MR. HOLTON demanded why?<sup>215</sup>

MR. AT. GEN. J.A. MACDONALD said because the wheel of democratic progress never rolls backward. (Hear, hear.) He hoped the house would pass this measure as it was last session, when it received the deliberate judgment of this house, so that the

upper house could not this time, at all events, have the same excuse by which it was thrown over last year. But if this amendment were allowed, that would be altogether foiled.<sup>216</sup> Last year this question was discussed in all its bearings, and we have no reason to believe that since then this house has not changed its views, and that it is willing now to support the Government. The amendment now before the house was uncalled for, and ought not to be brought forward: for if such amendments were brought forward a great deal of useless discussion would ensue<sup>217</sup>.--So strongly did he and his colleagues feel the necessity of passing the measure, that if amendments were proposed, they felt they would have to postpone it, and fight it out just as though it had never been laid before this house<sup>218</sup>, clause by clause, and this delay might endanger the bill.<sup>219</sup> He, therefore, hoped that the amendment would be withdrawn, and that hon. gentlemen would allow the bill to go to the Upper House, in order that their opinion on the matter might be known.<sup>220</sup>

MR. GAMBLE likewise thought that if the amendment was adopted, it would disturb the whole arrangements of the bill. (No, no.) Yes, it would.--Under those circumstances, and feeling that he (Mr. G.) was equally desirous of getting this principle into action, he would recommend the withdrawal of the motion.<sup>221</sup>

MR. CONGER believed that the period of six years would suit better than eight, but if it would defeat the bill, he should withdraw his objection to the course. He was strongly in favour of making some alteration in the construction of the Legislative Council, and he believed this bill to be the best that could be introduced.--(Hear, hear.) He would take an opportunity in committee to move the amendment he sought, but he would now waive the objection that he had to ... [eight] years, if it would retard progress.<sup>222</sup>

MR. BOWES said that the course recommended by the Attorney General East was not carried out. He (Mr. B.) regretted that the government wished that evening to press the measure, and he must object to the amendment much more than to the bill, because it reduced whatever the bill itself contained. (Hear, hear.) The latter he felt was not asked for by the country.<sup>223</sup> If the country was as anxious for this measure as it was for a Main[e] Liquor Law, petitions would be coming in from all parts of the province; but we had not a single petition on the subject.<sup>224</sup> He objected to the bill because he believed that it was introducing a republican principle into the country, and that it would lead to the election of a Governor for this country (hear, hear,) and ultimately to our separation from Great Britain<sup>225</sup> and ... [annexation] to the United States.<sup>226</sup> (Hear, hear.)<sup>227</sup>

MR. MACKENZIE thought he was correct in asserting that the hon. member was one of the annexationists.<sup>228</sup>

MR. GAMBLE said he was not, but had gone for the elective principle.<sup>229</sup>

MR. BOWES (warmly) was sorry to hear the hon. member for Haldimand advocating the principles of the constitution that he was in favour of some twenty years ago, which he carried with him, from one end of the Province to the other. He [Mr. Mackenzie] wished a change in the constitution so as to assimilate it to that of the United States. The hon. member had said so. He had been astonished at the course that hon. gentlemen had taken in not going with the hon. member for Lambton, who viewed this measure as more conservative than the constitution of the Legislative Council.<sup>230</sup> He (Mr. Bowes) was surprised to hear the hon. member for Lambton object to the Bill because it was too Conservative. But if that was the case, he



(Mr. Bowes) would have supported it; but such was not the case.<sup>231</sup> [He] believed that the measure was destructive of the conservative principle in the constitution of the country, and he was glad to stand in opposition to the hon. member for Haldimand because he would be afraid that if he was voting with him he would be wrong. (Hear, hear.)<sup>232</sup> The vote given to-night might be thought a strange one;<sup>233</sup> there were only six members who opposed it now, but before ten years were over the people would be all desirous of returning to the present system.<sup>234</sup> He would oppose the amendment, and also vote against the measure itself.<sup>235</sup>

MR. SOL. GEN. H. SMITH controverted the sweeping remarks of the hon. member for Haldimand against members of the Government. He (Mr. S.) understood him to say, that leading members of the Government had changed their principles upon this question.<sup>236</sup>

MR. MACKENZIE.--Oh no! I never said that. I never said that some of them had any principles at all.<sup>237</sup> (Laughter.)<sup>238</sup>

MR. SOL. GEN. H. SMITH.--At any rate he had always voted for this measure since it was first proposed in Toronto.<sup>239</sup> The amendments brought forward were not calculated to be of any benefit to the public.<sup>240</sup> As an inducement to the hon. member to withdraw his amendment he would assure the house that the Government were sincere in wishing to carry this measure through, and they thought that they would be more successful, if the bill was passed as it now stood, and the Upper House would then see that this house, at an interval of twelve months from last session, had not changed its judgment. (Hear, hear.)<sup>241</sup>

MR. BROWN was astonished at the haste manifested by honorable members to get this measure carried. If ever there was a measure which could be carefully scrutinized without fear of the result this was the measure, seeing that its second reading had been adopted by so large a majority, yet they were told it must be carried through without considering one single detail.<sup>242</sup> It was very singular the way in which an Assembly like this was to be drilled into voting. The Attorney General East got up and said, "Here is a bill--if you want it passed you must not change it in the slightest degree, but send it up to the other house just as it is." Now, he would appeal to this house, if there ever was a case in which hon. gentlemen were called upon to give their opinion so deliberately as upon this. But the Attorney General told the house "Oh! send it up as it is, and then the Upper House will understand that there is no change." Did not the members of the Upper House know the opinions of members of this house just as well without the bill as with it, and that the majority of the house were in favour of the six years' term which the member for Grenville proposed. He would ask hon. gentlemen if they were prepared to entertain the idea of thrusting an eight years' chamber upon this house? Was it possible? They had better go away and let the government pass the bill for them, if the Government were to come down there with a bill, and say, "we will not change a single line of it." Why not ask the whole house to come and consider with them all the provisions of the bill, and allow all objections to be brought forward? He asked hon. gentlemen, who were Reformers "who brought in this bill?" Why, it was the hon. member for Montmorency. And were hon. gentlemen going to take it from his hands, and say, that they will not scrutinize it? Was it possible that the liberal section of the Coalition party were willing to put themselves in that position? It was indeed a most extraordinary one. The honourable member for Peterborough got up and said, he was in favour of six years, and yet, that he would vote for eight. (Hear, hear.) Because the hon. member for Montmorency came down and handed it to him, and said "this is the only measure which can be carried," the hon. member for Peterborough

replied "it is just the bill I want." It was not the bill that he declared himself in favour of before his constituents, for there he always advocated representation by population.<sup>243</sup> (Hear, hear.)<sup>244</sup> He (Mr. Brown) would appeal to the reformers of Upper Canada to say, whether they could vote for an eight years' chamber, having regard to the principles which they had so often professed.<sup>245</sup> What had been the complaint in times past? That they could not get the popular will carried out so fully as they desired, and were they in the face of that, to put an eight years' shackle upon this house.<sup>246</sup>

MR. GAMBLE asked what is the shackle now?<sup>247</sup>

MR. BROWN.--The honorable gentleman knows what is the shackle now. He feels it as much as any one. Honorable members come from Lower Canada, and they vote together--while the votes of the Upper Canada members are divided<sup>248</sup>. The members for Lower Canada wanted to rule Upper Canada by carrying this measure. Here, while the people were demanding a remedy, which could be [to] free Upper Canada from the position she is in of subserviency to the Lower Province, they were to have this eight years' chamber created, which would perpetuate our bondage. He hoped it would be resisted. He would be obliged to vote for a six years' term, as he could get no other, and he would support the amendment, therefore, of the hon. member.<sup>249</sup>

MR. POST. GEN. SPENCE said the hon. member for Lambton might, with some degree of consistency, appeal to hon. members who are in favor of this measure, if he himself would admit the principle of the bill. But he would like to know with what pretensions to consistency that hon. gentleman can appeal to hon. members in reference to the details of the measure, the principles of which he is determin[e]dly opposed to.<sup>250</sup> (Hear, hear.)<sup>251</sup> That hon. gentleman claims to be the exponent of the views of the Reformers of Upper Canada, and yet, his opposition tonight, as one of the six who oppose this measure--five of whom are gentlemen who are not ashamed to avow themselves old conservatives, was, he thought, sufficient to show how far that hon. gentleman is entitled to consider himself the exponent of the views of the Reformers of Upper Canada. That honorable gentleman says the Reformers of Upper Canada are divided; but who had divided them?<sup>252</sup> He ought to feel, that he is not sustaining the character of Upper Canadians in so often reiterating the remark, "that the government were under the heel of Lower Canada." They (his colleagues) boasted of their Upper Canadianism as Lower Canadians boast of theirs. They occupied the same seats, were a part of the same government, were arrayed together to work out the common progress and welfare of the country, and these repeated allusions made by the hon. member for Lambton did not reflect credit upon Upper Canada nor upon any Upper Canadian. (Hear, hear.) The Ministry had been repeatedly taunted by the assertion that they were not honest in their attempts to carry forward this bill. They desired, however, to carry it this very night if the House would bear with us, and have the satisfaction of sending it to the other House on Monday or Tuesday next. The government had afforded all the opportunity that was possible for the full debate and discussion of this bill. It was a great constitutional change truly, and he did not hesitate to say, that the advisers of His Excellency the Governor General had paid great attention to it. The government were responsible for it, and its consequences.<sup>253</sup> They brought it down again this year in the same form as before; and now did not at least lie under the charge of being willing to lose by delay. The remarks of the member for Lambton would fall harmless. The House had confided in the Ministry, and the Ministry wished to have such a bill as they could recommend the Governor General to pass.<sup>254</sup> Was there anything hurried by the government? No. The ministry were proud to say that they had not

altered their views on the bill. Experience had strengthened it, and they offered it for the acceptance of the House, and were quite sincere. The supporters of the administration had the confidence of the administration. (Hear, hear.) If this bill, which the administration assumes the responsibility of, should be passed by both branches of the Legislature, there was every reason to believe that it would become the law of the land.<sup>255</sup>

Cries of hear, hear, from the opposition.<sup>256</sup>

MR. S. SMITH, (Northumberland), replied to the appeal of the member for Lambton, that he would not follow his lead. He also blamed that member for inconsistency in having voted last session for three years for the House, and six years for the Council, while this session he moved for two years and four.<sup>257</sup> He [Mr. Smith] should support the measure throughout.<sup>258</sup>

MR. BROWN explained that the member for Northumberland had taken only one motion of last session. If he had gone back two or three pages of the journals, he would have seen that he (Mr. B.) moved first for two years and four and then afterwards voted for three and six, as the best that could be got.<sup>259</sup>

MR. COM. CR. LANDS CAUCHON said the member for Lambton was the greatest conservative in the House, except in respect to religion. He therefore did not desire the House to adopt the measure as it was, because he was opposed to it altogether. In addition to the reasons for passing the bill as it was already given, he begged the House not to give the hon. member for Lambton an opportunity of attacking them once more as he often did on their voting one way one year and another way the next.<sup>260</sup>

MR. A. DORION, Montreal, showed that various members of the Government had at different times voted for the same proposition as that made by the member for Grenville, and<sup>261</sup> declared that he thought Mr. Brown was right in thinking the bill a conservative--a tory one. Another bill had been at first introduced, but after the coalition with conservatives a new bill of conservative tendency was put into the hands of the Crown Lands Commissioner, who it was known, like Mr. Brown,<sup>262</sup> opposed not only the details but the principle of the bill. He [Mr. Dorion] referred at length to the progress of public opinion on the question, showing that when the first bill was introduced in 1851, the vote upon it was 49 against and 14 for; the last vote was 80 to 4, a sufficient proof of the advance in the popularity of the measure.<sup>263</sup> It was now evident that it must be part of the plan of every Ministry, but what could be expected from persons opposed to the whole principle, but that they should attempt to spoil the measure.<sup>264</sup> He then referred to the defeat of the bill in the Upper House last session, and blamed the government for it, since they could have the entire control of the Council, by exercising the prerogative of the Executive. He warned ministers that if the measure met the same fate this session, they would be blamed for its failure.<sup>265</sup>

MR. RANKIN followed in support of the bill, as a step towards the establishment of Canadian nationality, which he earnestly desired to see accomplished.<sup>266</sup> [He] called on the Ministry not to allow time to be wasted, but to force a vote immediately.<sup>267</sup>

MR. WILSON would vote against all amendments, and against the bill itself.<sup>268</sup> [He] had always opposed this bill, and would continue to do so; he admitted that the



country demanded some reform in the Upper House, and that no definite ideas were entertained of the kind of measure which was required. The bill itself was the creation of the disappointed Tories of 1849. In the shape in which it now appeared, it was a monstrosity. The election of members for eight years, the continuance of the present members in the new chamber for life, and the nomination of the Speaker by the Executive were provisions which would prevent the bill from receiving the support of liberals, even although favourable to its principle.<sup>269</sup> The only utility that he could see in it was that it was a step towards a written constitution, which would form some legal check upon the proceedings of that House--a House which, according to what he could see of the present dispositions of petitioners, unless it were placed under some control, would shortly ruin the country by running it over head and ears in debt in a manner frightful to think of. The hope that some such check would be created by the establishment of the Elective Legislative Council was the only thing that reconciled him to the idea of it.<sup>270</sup> There was no doubt that the passage of the measure would lead to an Elective Governorship and a written Constitution, since it would be impossible under its provisions to work harmoniously our present system of administration.<sup>271</sup>

MR. PATRICK, said he would persist in his motion, notwithstanding the appeal of the Government. It was a new thing for the Government to come down<sup>272</sup> with an entire bill and say they were responsible for it, and upon that prevent all scrutiny. Most of the members of the House for Lower Canada had voted in favor of the Legislative Council Bill which was introduced by the Hincks Ministry. That was a much better bill than this, and it contained a provision for a term of six years for which members of the Upper House would be elected.<sup>273</sup>

The vote was then taken on Mr. Patrick's motion<sup>274</sup>.

(147)

*Mr. Patrick moved in amendment to the Question, seconded by the Honorable John Sandfield Macdonald, That the words "and that it be an Instruction to the Committee to amend the Bill, by providing that the term of years for which the Members of the Legislative Council shall serve, shall be six; one-third to retire every second year" be added at the end thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Cooke, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Freeman, Gould, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Marchildon, Matheson, Mattice, Munro, Papin, Patrick, Prévost, Rolph, Sanborn, Scatcherd, Valois, and Wright.--(36.)*

(148)

NAYS.

*Messieurs Bellingham, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chapais, Chisholm, Church, Conger, Cook, Cryslar, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Octave C. Fortier, Fournier, Gamble, Guévremont, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, McCann, Masson, Meagher, Angus Morrison, Murney, Niles, O'Farrell, Poulin, Pouliot, Price, Rankin, Rhodes, Solicitor General Ross, James Ross, Shaw,*

*Solicitor General Smith, Sidney Smith, Somerville, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, Wilson, and Yeilding.--(62.)*

*So it passed in the Negative.*

*And the Question being again proposed, That the Bill be now committed to a Committee of the whole House;*

MR. GOULD was in favor of the bill, imperfect as it was, and because he thought it would bring about a written constitution instead of the wretched one which the country had had a specimen of during the past week; a constitution under which ministers refused to comply with the wishes of the House. Nevertheless, he desired to amend the bill, and move that it be amended by declaring that the representation of the Legislative Council should be according to population, without regard to the line between Upper and Lower Canada.<sup>275</sup>

(148)

*Mr. Gould moved in amendment to the Question, seconded by Mr. Wright, That the words "and that it be an Instruction to the Committee to amend the Bill, by providing that the Constituencies shall be based and arranged according to Population, without any regard to the Division line between Upper and Lower Canada" be added at the end thereof;*

*And a Debate arising thereupon;*

*Mr. Loranger moved, seconded by Mr. Sidney Smith, and the Question being put, That the Debate be now adjourned; the House divided:--And it passed in the Negative.*

MR. CONGER said he would take the opportunity to reply to a remark of the honourable member for Lambton. That gentleman appeared to think that all who were in favour of the adoption ... [of] the principle of Representation by Population must be desirous to introduce it in reference to the Council. He differed with him<sup>276</sup>. [He] was in favor of representation according to population in the Lower House, and at the proper time would vote for it; but was against that principle being applied to the Upper House,<sup>277</sup> and could give his reason. He contended that the Elective Council would be like the Senate of the United States, and as different States had an equal number of representatives there although varying much in population the Council might be modelled in the same way.<sup>278</sup>

MR. CAMERON differed from the view taken by the last speaker, and contended that the States were independent members of the Confederacy, and, as such, established their only claim to equal representation in the Senate.<sup>279</sup> The position of the Legislative Council was not like that of the Senate of the United States...; here, in the Upper House, persons would sit and vote just in the same way as in the other branch of the Legislature.<sup>280</sup> He continued to say, that when the government were introducing a measure intended to change the whole constitution of the country, he thought it was a proper time to bring up the question of Representation by Population, and although he perhaps should not vote for the immediate application of the principle to the Lower House, he would support the motion of the member for North Ontario.<sup>281</sup>

MR. RHODES thought that most Lower Canadian Members approached the subject with an aversion which he thought did not show a proper appreciation of the capabilities of their own section. He thought that Canada East was as likely to progress in population as the western section. He found that many who had emigrated to the west were moving back again to Lower Canada, finding the land dearer in Upper Canada, the cost of living higher and many social evils existing which they did not suffer from

in the east.<sup>282</sup> He, therefore, was of opinion that the principle of representation according to population was not so injurious to Lower Canada as was sometimes supposed<sup>283</sup>. We had learned in England to approve the principle of Representation by Population, and he found that the principle was recognized even by the bill then before the House, since the constituencies were to be all of the same extent. As the passage of the amendment before the house would, however, probably destroy the progress of the bill, he should not vote for it.<sup>284</sup>

The Amendment was then put<sup>285</sup>.

(148)

And the Question being put, That the words "and that it be an Instruction to the Committee to amend the Bill, by providing that the Constituencies shall be based and arranged according to Population, without any regard to the Division line between Upper and Lower Canada" be added at the end of the original Question; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Cameron, Christie, Cook, Ferrie, Foley, Frazer, Freeman, Gould, Hartman, Lumsden, Mackenzie, Matheson, Munro, Murney, Patrick, Rolph, Scatcherd, Wilson, and Wright.--(23.)

(148-149)

NAYS.

Messieurs Bellingham, Bourassa, Bowes, Brodeur, Bureau, Cartier, Cauchon, Cayley, Chapais, Chisholm, Church, Conger, Cooke, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Octave C. Fortier, Fournier, Gamble, Guévremont, Holton, Jackson, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Mattice, Meagher, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Papin, Poulin, Pouliot, Prévost, Price, Rankin, Rhodes, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, Southwick, Spence, Stevenson, Thibaudeau, Turcotte, Valois, and Yeilding.--(75.)

(149)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now committed to a Committee of the whole House;

Mr. Foley moved in amendment to the Question, seconded by Mr. Frazer, That the words "and that it be an Instruction to the Committee to amend the Bill, by providing that the Speaker of the Legislative Council be elected by a majority of its Members" be added at the end thereof.<sup>286</sup>

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Cooke, Charles Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Foley, Frazer, Freeman, Gould, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Munro, Murney, Papin, Prévost, Rankin, Rolph, Sanborn, Scatcherd, Thibaudeau, Valois, Wilson, and Wright.--(40.)



## NAYS.

Messieurs Bellingham, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chapais, Chisholm, Church, Conger, Cook, Crysler, Daly, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Octave C. Fortier, Fournier, Gamble, Guévremont, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, McCann, Masson, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Niles, Patrick, Poulin, Pouliot, Price, Rhodes, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, Southwick, Spence, Stevenson, and Yeilding.--(56.)

*So it passed in the Negative.*

*Then the main Question being put;*

*Ordered, That the Bill be now committed to a Committee of the whole House.*

MR. [A. OR J.] DORION urged upon the house the propriety of at on[c]e proceeding into committee on the whole.<sup>287</sup>

The House then went into Committee, but immediately rose and reported progress<sup>288</sup>.

(149)

*The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Felton reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

*Ordered, That the Committee have leave to sit again on Tuesday next.*

(150)

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by Mr. Solicitor General Smith,*

*The House adjourned until Monday next.*<sup>289</sup>

APPENDIX: 14 MARCH 1856.

[NOTICE OF MOTION FOR A RESOLUTION RE: CORRIGAN AFFAIR.]

MR. A. DORION [gave notice that] on Wednesday, the 26th instant [he would move] for the reading of the Journals of this House of the 10th instant, containing an Address of this House to His Excellency for a copy of the charge delivered by the Hon. Judge Duval to the Jury, on the trial before the Criminal Court at Quebec, in the month of February last, of Kelly and others, for the murder of Edward Corrigan, and also for the Journals of this House of the 14th of March, instant, containing the Message of His Excellency, in order that he may move--

That the Administration in advising His Excellency to decline to comply with the prayer of the Address of this House of the 10th inst. gave advice calculated to interfere with the undoubted privileges of this House, and to disturb the good understanding between the Crown and this House, which it is of the highest importance to support and maintain.<sup>290</sup>

[NOTICE OF MOTION RE: EASTER ADJOURNMENT.]

MR. AT. GEN. DRUMMOND begged to ask the indulgence of the Speaker, and of the House, to remind hon. gentlemen that next week, will be Easter Week, and that they would have to adjourn for a certain number of days.<sup>291</sup> [He] intimated that it was his intention to move an adjournment of the house, over the Easter holidays from Tuesday first to the following Tuesday.<sup>292</sup> He wished to take the sense of the house upon the subject. He mentioned the fact thus early, because he was aware that many hon. gentlemen<sup>293</sup> who did not reside at a very great distance from home,<sup>294</sup> would wish to prepare to go to their homes for a few days, and it was solely with a view to their convenience that he mentioned the subject at the present moment. The Government were of opinion that probably an adjournment might be properly moved for on Tuesday evening, if the debate on the Seat of Government question was then closed. Then the house might meet again conveniently on the following Tuesday. He wished, of course, to consult the house upon the subject, and would be gratified to obtain the opinion of hon. members upon it. The Government were, he said, very desirous of proceeding with the business of the house with as little delay as possible. The most of them would be unable to take advantage of the holidays, being so far from their homes,<sup>295</sup> and would be glad to push on the business of the country as fast as possible.<sup>296</sup> Therefore the adjournment was for the convenience of those who were not so far distant from their residence. He said some of his hon. friends wished him to be more explicit, but he did not think it necessary. Thursday, all of them knew, was a holiday to those of one denomination; Friday was a holiday to those of another; Saturday is a day on which we do not meet; then Monday is a holiday also, so that he did not see that the adjournment could be shorter than what he had stated.<sup>297</sup>

MR. BOWES wished to remind honorable gentlemen that Monday will be St. Patrick's day, and he wished they would not enter upon so grave a subject of consideration as the Seat of Government question, on St. Patrick's day.<sup>298</sup>

MR. LORANGER said that they wanted St. Patrick's assistance in the discussion of that question, and therefore Monday was the best day for it.<sup>299</sup>

MR. J.S. MACDONALD said, the adjournment was the same as that of last year, only a day earlier, and he did not think that the house could object to it. He trusted

the Government will take advantage of the holidays to enable them to come down<sup>300</sup> with proper measures after the recess, which that side of the House could accept.<sup>301</sup>

MR. MACKENZIE objected to the long delay.<sup>302</sup> The house had been in session for a month, and had done nothing but squabble and quarrel<sup>303</sup>, and now they proposed an adjournment for a week, while they would ask \$6 a day for these holidays. They had done nothing for the country yet. He would, however, vote for adjournment on St. Patrick's day--(laughter.)<sup>304</sup>

The matter was then dropped.<sup>305</sup>

[QUESTION AND ANSWER RE: SETTLEMENT OF THE EASTERN TOWNSHIPS.]

MR. O. FORTIER (Bellechasse) enquired of the ministry, whether besides the appropriation of a sum of money, it is their intention to adopt any other means to facilitate the settlement of the Eastern Townships.<sup>306</sup>

MR. COM. PUB. WORKS LEMIEUX<sup>307</sup> [OR] MR. AT. GEN. DRUMMOND said he had already informed the House that the Government had the whole matter under consideration.<sup>308</sup>

[QUESTION AND ANSWER RE: POINT LEVI AND QUEBEC FERRY.]

CAPT. RHODES enquired of the ministry whether it is their intention to put in force the law, or otherwise to regulate the Ferry between Point Levi and Quebec?<sup>309</sup>

MR. AT. GEN. DRUMMOND replied that it was their intention and proceedings had already been adopted with the consent of the Quebec Corporation<sup>310</sup>, to put in force the law to regulate the ferry between Point Levi and Quebec.<sup>311</sup>

[QUESTION AND ANSWER RE: TIMBER LICENSES.]

MR. MCCANN enquired of the ministry, whether it is their intention to place to the credit of the purchasers of land sold after the granting of licenses to cut timber, the duties subsequently collected on such licenses, and whether when purchasers in arrears for lands have themselves manufactured timber ... Crown Timber Agent from the manufacturer, the duties will go to the credit of the land.<sup>312</sup>

MR. COM. CR. LANDS CAUCHON replied that the whole matter of the sale of lands was under consideration at this moment, and in a few days he would be able to state what were the intentions of the Government.<sup>313</sup>

[POSTPONED MOTION FOR A BILL RE: PROVINCIAL POLICE FORCE.]

The notice having been called [for the] Bill to establish an efficient Police Force in this Province<sup>314</sup>,

MR. AT. GEN. DRUMMOND said the motion must be postponed.<sup>315</sup>

MR. GALT enquired whether the Bill had yet been printed.<sup>316</sup>

MR. AT. GEN. DRUMMOND said it was in the hands of the printers, and immediately on the Bill being introduced, it would be distributed.<sup>317</sup>



MR. GALT feared from the reports of the health of the gallant Premier, which had reached him, that he might not be able himself to introduce it.<sup>318</sup>

MR. AT. GEN. DRUMMOND said the Government wished to ascertain before introducing the Bill, whether the gallant [k]night himself could attend. If, unfortunately, he could not, some other member of the Government would take it up.<sup>319</sup>

[DISCUSSION RE: CORRECTION TO THE JOURNALS.]

MR. A. DORION called attention to the fact, that in the journals of the House the vote of Dr. Masson upon the motion of reference of the petition of M. Prassant (sic) and others with respect to Lower Canada municipalities, had been registered in the affirmative while that gentlemen (sic) had in fact voted in the negative.<sup>320</sup>

DR. MASSON thought the member for Montreal had nothing to do with his (Dr. Masson's) votes; but if any one had anything to say with respect to them, he ought to give the usual notice of his motion.<sup>321</sup>

MR. AT. GEN. DRUMMOND had often heard of men look[ing] after their own votes, but had never heard of any one before taking the trouble to look after the votes of other people.<sup>322</sup>

MR. A. DORION considered that the correctness of the journals was a matter of concern to every member of the House.<sup>323</sup>

MR. SICOTTE the SPEAKER conceived that if the matter had been brought up immediately--say the day after the vote--it would have been in order to do so without notice; but that time being past, notice would probably now be necessary.<sup>324</sup>

The subject then dropped.<sup>325</sup>

FOOTNOTES: 14 MARCH 1856.

1. GLOBE, 15 March 1856. This newspaper does not indicate when exactly this discussion took place; however, as the Bill referred to is read a second time shortly afterwards (see footnotes 14 and 15), the debate was arbitrarily reconstructed as the first notice to be called over.
2. GLOBE, 15 March 1856.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. GLOBE, 15 March 1856, provides a more complete description of this Bill, as follows: "Mr. Price introduced a Bill for the preservation of Salmon in the Rivers St. Lawrence and Saguenay, and their tributaries, which salmon have been known to frequent, and for the removal of any artificial impediment in those rivers by which the course of the salmon is obstructed."
11. The Statute securing the Independence of the Judges of Lower Canada is the Act 7 Vic. cap. 15.
12. WESTERN PLANET, 21 March 1856, in a short commentary, asserts that the Governor General's reply "will give rise to a curious question of constitutional law as to the propriety of the Ministry advising the Governor General to act in opposition to the wishes of the House of Assembly, and as to the Governor General so acting on their advice.... It must be admitted to be something very anomalous under our system that a Governor General should not act upon the advice of a House of Assembly, and that a Ministry professing to exist only by the confidence of that body, should set it at defiance. It may perhaps, be said that the House by his second vote conferred upon the Ministry its authorisation to act upon its previous vote, or in contravention of it, according to their own judgment. But this argument involves the majority in an awkward dilemma, for either they voted that Judge Duval should be applied to for his charge, and by refusing to rescind their resolution, still maintain it in force, in which case the Ministry and the Governor are acting directly in the teeth of the House of Assembly, or else the resolution praying that the Judge may be asked for his charge has been rescinded; and then, in what sort of position is Mr. Cameron and the rest of the gentlemen who were so resolutely determined that they would not rescind, and who on the second debate proved so much to their own satisfaction, that they were perfectly right on the first?" GLOBE, 15 March 1856, in a short commentary, proposes a similar argument, adding that "there is a very important omission in the reply of his Excellency. Considering what was said by ministers in the House, it would appear reasonable and proper that the Governor should express his willingness to aid an enquiry into the whole Corrigan case. Ministers were fair enough in their professions on Thursday night, when they had a point to gain, but they have not given any proofs of their willingness to go beyond talking."
13. A notice of motion was afterwards duly given by Mr. A. Dorion, in response to the Governor General's message (see footnote 290).
13. Many newspapers have previously reported information on this Bill. TORONTO DAILY LEADER, 29 February 1856, first reported that the Bill was introduced by Mr. Alleyn on the 28th February 1856. Then, TORONTO DAILY LEADER, 5 March 1856, and Telegraph (MONTREAL GAZETTE, 5 March 1856), reported that Mr. Huot

introduced a Bill for the exact same object on the 4th March 1856, which Bill was never reported in the JOURNALS. The notice of motion for Mr. Alleyn's Bill was duly given on the 25th February 1856.

14. GLOBE, 15 March 1856.

15. IBID.

16. IBID.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. IBID.

24. IBID.

25. IBID.

26. IBID.

27. IBID.

28. IBID.

29. IBID.

30. IBID.

31. IBID.

32. IBID.

33. IBID.

34. IBID.

35. IBID.

36. IBID.

37. IBID.

38. IBID.

39. IBID.

40. IBID.

41. IBID.

42. IBID.

43. IBID.

44. GLOBE, 15 March 1856. WESTERN PLANET, 21 March 1856, reports a short commentary on the subject of the Ordnance Lands.

45. GLOBE, 15 March 1856.

46. IBID.

47. IBID.

48. IBID.

49. IBID.

50. IBID.

51. IBID.

52. IBID.

53. IBID.

54. IBID.

55. IBID.

56. IBID.

57. IBID.

58. IBID.

59. IBID.

60. GLOBE, 15 March 1856, reports that Mr. Cayley introduced "some amendments ... to meet suggestions thrown out by Mr. Holton, Mr. Mackenzie, and others, in a previous discussion."



61. GLOBE, 15 March 1856.
62. IBID.
63. IBID.
64. IBID.
65. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
66. MONTREAL GAZETTE, 17 March 1856.
67. LA MINERVE, 5 April 1856.
68. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
69. GLOBE, 15 March 1856.
70. IBID.
71. IBID.
72. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
73. GLOBE, 15 March 1856.
74. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
75. MONTREAL GAZETTE, 17 March 1856.
76. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
77. GLOBE, 15 March 1856.
78. NIAGARA MAIL, 26 March 1856.
79. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
80. NIAGARA MAIL, 26 March 1856.
81. MONTREAL GAZETTE, 17 March 1856.
82. IBID.
83. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
84. GLOBE, 15 March 1856.
85. MONTREAL GAZETTE, 17 March 1856.
86. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
87. MONTREAL GAZETTE, 17 March 1856.
88. GLOBE, 15 March 1856.
89. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
90. GLOBE, 15 March 1856.
91. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
92. GLOBE, 15 March 1856.
93. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
94. GLOBE, 15 March 1856.
95. IBID.
96. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
97. GLOBE, 15 March 1856.
98. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
99. GLOBE, 15 March 1856.
100. IBID.
101. IBID.
102. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
103. GLOBE, 15 March 1856.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. NIAGARA MAIL, 26 March 1856.

113. GLOBE, 15 March 1856.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
121. GLOBE, 15 March 1856.
122. IBID.
123. IBID.
124. IBID.
125. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
126. GLOBE, 15 March 1856.
127. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
128. GLOBE, 15 March 1856.
129. IBID.
130. MONTREAL GAZETTE, 17 March 1856.
131. IBID.
132. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
133. GLOBE, 15 March 1856.
134. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
135. GLOBE, 15 March 1856.
136. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
137. LA MINERVE, 5 April 1856.
138. GLOBE, 15 March 1856.
139. LA MINERVE, 5 April 1856.
140. IBID.
141. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
142. LA MINERVE, 5 April 1856.
143. GLOBE, 15 March 1856.
144. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
145. LA MINERVE, 5 April 1856.
146. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
147. MONTREAL GAZETTE, 17 March 1856.
148. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
149. GLOBE, 15 March 1856.
150. MONTREAL GAZETTE, 17 March 1856.
151. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
152. MONTREAL GAZETTE, 17 March 1856.
153. GLOBE, 15 March 1856.
154. MONTREAL GAZETTE, 17 March 1856.
155. GLOBE, 15 March 1856.
156. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
157. GLOBE, 15 March 1856.
158. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
159. MONTREAL GAZETTE, 17 March 1856.
160. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
161. MONTREAL GAZETTE, 17 March 1856.
162. GLOBE, 15 March 1856.
163. MONTREAL GAZETTE, 17 March 1856.
164. LA MINERVE, 5 April 1856. The ellipsis is replicated as per this newspaper.

165. LA MINERVE, 5 April 1856. The ellipsis is replicated as per this newspaper.
166. LA MINERVE, 5 April 1856. This newspaper also adds the following comment:  
"Ce discours prononcé avec ce feu qui caractérise toutes les paroles du député de Maskinongé, remue fortement l'Assemblée".
167. MONTREAL GAZETTE, 17 March 1856.
168. GLOBE, 15 March 1856.
169. MONTREAL GAZETTE, 17 March 1856.
170. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
171. MONTREAL GAZETTE, 17 March 1856.
172. GLOBE, 15 March 1856.
173. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
174. MONTREAL GAZETTE, 17 March 1856.
175. GLOBE, 15 March 1856.
176. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
177. MONTREAL GAZETTE, 17 March 1856.
178. GLOBE, 15 March 1856.
179. GLOBE, 15 March 1856. According to HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856, Mr. Patrick moved in amendment: "That the term should be six years in the Upper House, and three in the Lower House."
180. GLOBE, 15 March 1856.
181. IBID.
182. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
183. IBID.
184. IBID.
185. GLOBE, 15 March 1856.
186. MONTREAL GAZETTE, 17 March 1856.
187. GLOBE, 15 March 1856.
188. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
189. MONTREAL GAZETTE, 17 March 1856.
190. GLOBE, 15 March 1856.
191. MONTREAL GAZETTE, 17 March 1856.
192. GLOBE, 15 March 1856.
193. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
194. GLOBE, 15 March 1856.
195. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
196. IBID.
197. IBID.
198. GLOBE, 15 March 1856.
199. MORNING CHRONICLE, 20 March 1856.
200. IBID.
201. IBID.
202. MORNING CHRONICLE, 20 March 1856. LA MINERVE, 5 April 1856, describes Mr. Mackenzie's speech in the following manner: "M. Mackenzie lance une de ses foudres habituelles sur le Bas-Canada, l'aristocratie et le Conseil, et doit à ses personnalités aussi peu parlementaires que peu dignes d'un monsieur, de se faire rappeler quatre ou cinq fois à l'ordre."
203. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
204. GLOBE, 15 March 1856.
205. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
206. GLOBE, 15 March 1856.
207. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
208. GLOBE, 15 March 1856.
209. MONTREAL GAZETTE, 17 March 1856.



210. GLOBE, 15 March 1856.
211. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
212. GLOBE, 15 March 1856.
213. MONTREAL GAZETTE, 17 March 1856.
214. GLOBE, 15 March 1856.
215. IBID.
216. IBID.
217. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
218. GLOBE, 15 March 1856.
219. MONTREAL GAZETTE, 17 March 1856.
220. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
221. GLOBE, 15 March 1856.
222. IBID.
223. IBID.
224. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
225. GLOBE, 15 March 1856.
226. MONTREAL GAZETTE, 17 March 1856.
227. GLOBE, 15 March 1856.
228. IBID.
229. IBID.
230. IBID.
231. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
232. GLOBE, 15 March 1856.
233. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
234. MONTREAL GAZETTE, 17 March 1856.
235. GLOBE, 15 March 1856.
236. IBID.
237. MONTREAL GAZETTE, 17 March 1856.
238. GLOBE, 15 March 1856.
239. MONTREAL GAZETTE, 17 March 1856.
240. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
241. GLOBE, 15 March 1856.
242. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
243. GLOBE, 17 March 1856.
244. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
245. GLOBE, 17 March 1856.
246. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
247. IBID.
248. IBID.
249. GLOBE, 17 March 1856.
250. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
251. GLOBE, 17 March 1856.
252. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
253. GLOBE, 17 March 1856. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856, remarks that Mr. Spence "referred at some length to the introduction of the measure in the previous session, and the careful consideration which all its details had received".
254. MONTREAL GAZETTE, 17 March 1856.
255. GLOBE, 17 March 1856.
256. MONTREAL GAZETTE, 17 March 1856.
257. GLOBE, 17 March 1856.
258. MONTREAL GAZETTE, 17 March 1856.
259. GLOBE, 17 March 1856.

260. MONTREAL GAZETTE, 17 March 1856.
261. GLOBE, 17 March 1856.
262. MONTREAL GAZETTE, 17 March 1856.
263. GLOBE, 17 March 1856.
264. MONTREAL GAZETTE, 17 March 1856.
265. GLOBE, 17 March 1856.
266. IBID.
267. MONTREAL GAZETTE, 17 March 1856.
268. IBID.
269. GLOBE, 17 March 1856.
270. MONTREAL GAZETTE, 17 March 1856.
271. GLOBE, 17 March 1856.
272. IBID.
273. MONTREAL GAZETTE, 17 March 1856.
274. GLOBE, 17 March 1856. LA MINERVE, 5 April 1856, reports the following information: "L'amendement de M. Patrick est mis aux voix au milieu d'une grande agitation".
275. MONTREAL GAZETTE, 17 March 1856.
276. GLOBE, 17 March 1856.
277. MONTREAL GAZETTE, 17 March 1856.
278. GLOBE, 17 March 1856.
279. IBID.
280. MONTREAL GAZETTE, 17 March 1856.
281. GLOBE, 17 March 1856.
282. IBID.
283. MONTREAL GAZETTE, 17 March 1856.
284. GLOBE, 17 March 1856.
285. IBID.
286. MONTREAL GAZETTE, 24 March 1856, in a commentary on today's debate on the Legislative Council Bill, reports that "one of the brilliant passages of the debate was made by Mr. Foley, who, in moving the amendment to make the Speaker of the Council elective by that body, asserted that there was no instance of a representative body elected by the people which did not elect its own presiding officer." No other newspaper providing coverage of this debate reports that Mr. Foley spoke.
287. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
288. MONTREAL GAZETTE, 17 March 1856. Commentaries on the Legislative Council Bill are reported in GLOBE, 18 March 1856, HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856, WESTERN PLANET, 21 March 1856, MACKENZIE'S WEEKLY MESSAGE, 21 March 1856, and PERTH COURIER, 28 March 1856.
289. GLOBE, 17 March 1856, reports the House adjourned "at half-past 12".
290. WESTERN PLANET, 21 March 1856. In a commentary, MONTREAL GAZETTE, 26 March 1856, reports that Mr. A. Dorion's resolution, of which he now gives notice, "is likely to lead to an animated debate--to the display of a vast amount of virtuous indignation and the expenditure of patriotic thunder on the part of the opposition, and lead to a party vote of confidence in Ministers, such as Mr. Dorion announced he was prepared to give in refusing to rescind a resolution of which he disapproved, lest Ministers should thereby be saved from defeat".
291. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856. According to this newspaper, and to MONTREAL GAZETTE, 17 March 1856, Mr. Drummond interrupted the debate on the Legislative Council Bill to give his notice.
292. GLOBE, 15 March 1856.

293. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
294. MONTREAL GAZETTE, 17 March 1856.
295. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
296. MONTREAL GAZETTE, 17 March 1856.
297. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
298. IBID.
299. IBID.
300. IBID.
301. MONTREAL GAZETTE, 17 March 1856.
302. IBID.
303. GLOBE, 15 March 1856.
304. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
305. MONTREAL GAZETTE, 17 March 1856.
306. GLOBE, 15 March 1856.
307. IBID.
308. Telegraph (MONTREAL GAZETTE, 15 March 1856).
309. GLOBE, 15 March 1856.
310. IBID.
311. Telegraph (MONTREAL GAZETTE, 15 March 1856).
312. GLOBE, 15 March 1856. The ellipsis represents illegible words.
313. GLOBE, 15 March 1856.
314. IBID.
315. IBID.
316. IBID.
317. IBID.
318. IBID.
319. IBID.
320. MONTREAL GAZETTE, 17 March 1856.
321. IBID.
322. IBID.
323. IBID.
324. IBID.
325. IBID.



MONDAY, 17 MARCH 1856

(150)

MR. SPEAKER laid before the House,--a General Statement and Return of Baptisms, Marriages, and Burials in the District of St. Francis, for the year 1855.

For the said Statement, see Appendix (No. 19.)

And also, Statement of the affairs of the Berthier Academy, to 30th August, 1855, and Return from "L'Académie Industrielle de St. Laurent," for the year 1855.

For the said Statement and Return, see Appendix (No. 20.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Dufresne,--The Petition of the Reverend Joseph Barret, of the Parish of St. Liguori; and the Petition of the Reverend C.A. Loranger and others, School Commissioners of the Parish of Ste. Julienne.

By Mr. Niles,--The Petition of the Municipal Council of the County of Middlesex.

By Mr. Gill,--The Petition of the Reverend J.B. Chartré and others, School Commissioners of the Parish of St. David, County of Yamaska; and the Petition of the Reverend Joseph Maurault and others, of the Parish of St. Thomas de Pierreville.

By Mr. Jean Baptiste Eric Dorion,--The Petition of Godfroy Brisson and others, of the Parish of St. Norbert d'Arthabaska; the Petition of G.L. Marler and others, of Drummondville; and the Petition of Noël Hébert and others, of the Parish of St. Norbert d'Arthabaska.

By Mr. Wilson,--Three Petitions of the Mayor, Aldermen, and Commonalty of the City of London.

By Mr. Ferres,--The Petition of Mrs. Helen P. Squier and others, of the Township of Sutton; the Petition of the Reverend H. Montgomery and others, of the Township of Sutton; and the Petition of Louis Lacasse.

By Mr. Powell,--The Petition of James Pilson and others, of the Township of Nepean; and two Petitions of the Municipality of the Township of March.

By Mr. Lyon,--The Petition of George Heron and others, of the Township of Gloucester.

By Mr. Crawford,--The Petition of J.B. McDonald and others, of the Township of Elizabethtown; and the Petition of J.G. Leavitt and others, of the Town of Brockville.

By Mr. Shaw,--The Petition of the Municipality of the United Townships of Bathurst and South Sherbrooke; and the Petition of John McGill Chambers, of the Township of Montague.

By Mr. Desaulniers,--The Petition of F.A.R. Bellefeuille and others, late Municipal Officers of the District of Three Rivers.

By Mr. Thomas Fortier,--The Petition of J. Clovis Bourgeois and others, of the Parish of St. Grégoire le Grand.

By Mr. Laporte,--The Petition of the School Commissioners of the Municipality of the Village de la Côte St. Louis.

(151)

By Mr. Masson,--The Petition of the Trustees of the College of Coteau du Lac.

By Mr. Polette,--The Petition of George W. Phillips and others, of the Town and District of Three Rivers.

By Mr. Sanborn,--The Petition of the Corporation of Bishop's College; and the Petition of J.S. Brown and others, of the Township of Durham.

By Mr. Somerville,--The Petition of the Municipality of the Township of Godmanchester.

By Mr. Cooke,--The Petition of Basile Charlebois and others, of the Municipality of Ottawa, Division number two; the Petition of J.B.N. Papineau and others, of the Municipality of Ottawa, Division number two; the Petition of Asa Cooke and others, of the Municipality of Ottawa, Division number two; the Petition of the Buckingham Academy; the Petition of the Municipality of the Village of Buckingham; the Petition of Charles Symmes and others, of the Town of Aylmer; the Petition of C.G. Gourlay and others, of Aylmer and vicinity; and the Petition of the Municipality of the Village of Aylmer.

By Mr. Papin,--The Petition of the Reverend J.B. Bélanger and others, of the Parish of St. Ours.

By Mr. Prévost,--The Petition of the Municipal Council of the Parish of Ste. Adèle; the Petition of the Reverend R. Fournier and others, of the Parish of Ste. Adèle; the Petition of the Municipal Council of the County of Laval; the Petition of the Reverend J.B. Lemonde and others, of St. Sauveur; the Petition of the Reverend M. Brunet and others, of the Parish of St. Jérôme; and the Petition of the Municipal Council of the Parish of St. Sauveur.

By Mr. Evanturel,--The Petition of the Municipal Council of the Parish of L'Ancienne Lorette; and two Petitions of the Reverend Jean Langevin and others, School Commissioners and others, of the Parish of Beauport.

By Mr. Bellingham,--The Petition of Robert Donaldson and others, of the Township of Chatham; and the Petition of the Municipal Council of the County of Argenteuil.

By the Honorable Mr. Merritt,--The Petition of the Reverend A.T. Atkinson and others, Church Wardens and Members of St. George's Church in the Town of St. Catharines.

By Mr. Biggar,--The Petition of Hector Dickie and others, of the Township of Brantford; and the Petition of George S. Wilkes and others, of Brantford.

By Mr. Burton,--The Petition of the Municipality of the Township of Cartwright; and the Petition of the Municipality of the Township of Cavan, County of Durham.

By Mr. Roblin,--The Petition of Charles Wilson and others, of the Township of Stanley; the Petition of Edwin Rose and others, of the Township of Ernesttown; the Petition of J. Wague and others, of the Township of Camden, County of Addington; the Petition of Joseph Markham and others, of the Township of Kingston, County of Frontenac; and the Petition of Benjamin Clark and ... others, of the Township of Ernesttown, County of Addington.

By Mr. Frazer,--The Petition of the Pupils of the Toronto School of Medicine; and the Petition of Robert Laurie and others, of the Village of Port Dalhousie.

By Mr. Jobin,--The Petition of L.A. Derome and others, of the Parish of St. Charles Borromée; the Petition of Maurice H. Beaubien and others, of the County of Joliette; the Petition of Jacques Picard and others, of the County of Joliette; the Petition of N. Cornellier; the Petition of the School Commissioners of St. Félix de Valois, County of Joliette; and the Petition of Louis Levesque and others, of the County of Joliette.

By Mr. Darche,--The Petition of Joseph Braithwaite and others, of the County of Chambly.

(152)

By Mr. Marchildon,--The Petition of David Trudel and others, of Ste. Geneviève de Batiscan.

By Mr. Sidney Smith,--The Petition of J.C. Trull and others; the Petition of A. Brown and others, Ratepayers of the Town of Cobourg; the Petition of W. Kingston

and others; the Petition of Mrs. Rachel Kinney and others, of the Township of Haldimand, County of Northumberland; the Petition of John Shearwin and others, of the Township of Alnwick; the Petition of John Mulholland and others, of the Township of Haldimand, County of Northumberland; the Petition of Stephen Young, of the Township of Murray; and the Petition of Stephen Young and others, of the Township of Murray, County of Northumberland.

By Mr. Matheson,--The Petition of David Doty and others, of the Township of East Nissouri; the Petition of the Town Council of the Town of Woodstock; the Petition of John Johns and others, of the Village of Thamesford, County of Oxford; and the Petition of Asa Hallock and others, of the Township of West Zorra, County of Oxford.

By Mr. Mattice,--The Petition of Joseph A. Bockus and others, of the Township of Osnabruck, County of Stormont; and the Petition of the Reverend John Howes and others, of the Township of Osnabruck.

By Mr. Terrill,--Two Petitions of E.S. White and others, of the Township of Barnston; the Petition of John Fleming; the Petition of Levi Baldwin and others, Trustees of the Coaticook High School; and the Petition of the Trustees of the Charleston Academy.

By the Honorable Mr. Young,--The Petition of the Trustees and others of the Mount Royal Cemetery.

By Mr. Dionne,--The Petition of Charles T. Dubé and others, of the Parish of Trois Pistoles.

By the Honorable Mr. Cameron,--The Petition of J. Young and others, of the Town of Georgetown; the Petition of Alexander Calder, President, and others, Members of the Canadian Protestant Association of Kingston; the Petition of the Reverend Richard A. Carden, of the City of Quebec; and the Petition of the Municipal Council of the United Counties of Leeds and Grenville.

By Mr. Holton,--The Petition of John Wood and others, of the City of Montreal.

By the Honorable Mr. Attorney General Drummond,--The Petition of the President and Directors of the Shefford Academy; and the Petition of John McDougall and others, of the Town of Three Rivers.

By Mr. Alleyn,--The Petition of the Quebec Library Association; the Petition of the Reverend George Mackie, President, and others, the Committee of Management of the National Schools of Quebec; and the Petition of the Literary and Historical Society of Quebec.

By the Honorable John Sandfield Macdonald,--The Petition of Neil McDermid and others, of the Township of Charlottenburgh.

By Mr. Rankin,--The Petition of the Municipal Council of the County of Essex.

By Mr. Felton,--The Petition of J.W. Denison and others, of the Township of Cleveland; the Petition of the Reverend G.L.E. Duhault and others, of Windsor and other Townships; the Petition of R.N. Webber, President, and others, Trustees of St. Thomas College; and the Petition of C.B. Cleveland and others, of Richmond.

By Mr. Loranger,--The Petition of Judith Elot Julien, Widow of the late G.F. Tremblay; the Petition of the Reverend Léon Vinet and others, of the Parish of St. Constant; and the Petition of Toussaint Lefebvre, President, and others, Members of the Literary Society of the Village of Laprairie.

(153)

By Mr. Patrick,--The Petition of John Chambers and others, of the Town of Prescott; and the Petition of S. Holden and others, of the Township of Augusta.

By Mr. Hartman,--The Petition of Abner Hurd and others, of the Township of Reach; the Petition of John Bogart and others, of the Township of Whitchurch; and the Petition of Asa Phillips and others, of the Township of East Gwillimbury.



By Mr. Chapais,--The Petition of the Reverend N.F. Hébert and others, School Commissioners of the Parish of St. Louis de Kamouraska.

By the Honorable Mr. Lemieux,--The Petition of J.G. Blanchet and others, School Commissioners of D'Aubigny, Parish of Notre Dame de la Victoire.

By [Mr.] Brown,--The Petition of James Wilkinson and others, of the Township of Goderich; the Petition of John Dalton and others, of the Town of Goderich; the Petition of William King and others; the Petition of Hugh McSween and others, of Tilbury East; the Petition of John G. Campbell and others, of the Township of Raleigh; the Petition of the Reverend James Adams and others; the Petition of William M. Ball and others; the Petition of the Reverend Donald McLeod and others, of the Presbyterian Church in Cobourg; the Petition of the Municipality of the Township of Warwick; the Petition of the Kirk Session of the Presbyterian Church, Kingston; the Petition of Robert Stevens and others, of the Town of Lindsay; the Petition of Daniel Clark and others, Students of Knox's College, Toronto; the Petition of Isaac Blain and others, of the Township of Bayham; the Petition of John Morton and others, of the Township of McGillivray; the Petition of Mrs. Emily Marlton and others, of the Town of Goderich; and the Petition of J. Macdonald and others, of the Township of Goderich.

By Mr. Aikins,--The Petition of William T. Shaver and others, of the Township of Etobicoke.

By Mr. Fournier,--The Petition of the Reverend F.X. Délage and others, School Commissioners of the Parish of L'Islet.

By the Honorable Mr. Cayley,--The Petition of the Reeves and Deputy Reeves of the County of Bruce.

Pursuant to the Order of the day, the following Petitions were read:--

Of William James and others, of the Counties of Lincoln and Welland; of Andrew Vanderburgh and others, of the Counties of Lincoln and Welland; and of John Rannie and others, of the Counties of Lincoln and Welland; praying for the passing of an Act to enable the Port Dalhousie and Thorold Railway Company to extend their line of Railway.

Of Chauncey Yale and others, of the Town of St. Catharines; praying that the same duty be imposed upon American articles of manufacture as are imposed by the American Government on similar articles manufactured in Canada.

Of Mrs. Hawley and others; praying for the passing of an Act for the protection of the property of married women.

Of the Municipality of the Village of Preston; praying that no Act of Incorporation may be granted for any new line of Railway between the Village of Galt and the Town of Berlin.

Of the Municipality of the Township of Erin; of the Municipal Council of the County of Brant; and of the Municipality of the Township of Gloucester, County of Carleton; praying for the repeal of the Separate School Act.

Of the Reverend H. Wilkinson and others; of W. Mathews and others, Members of the Wesleyan Church in Brantford; of the Reverend David Caw and others, of the Town of Paris; of the Town Council of the Town of Cobourg; and of the Reverend A.H. Bethune and others, of Cobourg and its vicinity; praying for the abolition of Sunday labor in the Post Office Department and on the St. Lawrence Canals.

(154)

Of the Montreal Horticultural Society; praying for the passing of an Act for the encouragement of Horticulture.

Of the Municipality of the Township of Kincardine; praying that the Town of Penetangore may be made the County Town of the County of Bruce.



Of T.S. Shenston and others, of the County of Brant; of Mrs. Susannah Foster and others, of the Townships of Egremont and Normanby; of E.A. Burns and others, of the Township of Gosfield, County of Essex; of Somers Atkinson and others, of the Village of Vansickles; of H.R. O'Reilly and others, of the Township of East Flamborough; of Charles Brady and others, of the Township of Garafraxa, County of Wellington; of W. Wilkinson and others, of the Township of Lobo, County of Middlesex; of James A. Thompson and others, of the Township of Mersea, County of Essex; of David Mitchell and others, of the Township of Sparta, County of Elgin; of John Smith and others, of the County of Oxford; of John Johnson and others, of the Township of Thorold, County of Welland; of Robert Elliot and others, of the Village of Port Robinson; of Mrs. Elizabeth Pearson and others, of the Township of King, County of York; of Benjamin Pearson and others, of the Townships of King and Whitchurch, County of York; of Charles Underhill and others, of the Township of Cramahe, County of Northumberland; of William Young and others, of the Township of North Dumfries; of the Reverend J. Grey and others, of Orillia; of George Sanderson and others, of the Township of Mariposa; of John Mathus and others, of the Village of Longueuil; of Florence McCarthy and others, of the Township of Kitley; of the Municipal Council of the County of Ontario; of the Municipality of the Township of Gloucester, County of Carleton; of Miss Mary Curry and others, of the Township of Gloucester, County of Carleton; and of Joseph T.W. Wallis and others, of Smithfield and St. Andrews; praying for the passing of a Prohibitory Liquor Law.

Of Jonathan Wyfield and others, of the South-eastern portion of the County of Essex; praying that a Harbour may be made of the "Two Creeks" in the Township of Romney, on Lake Erie.

Of the Municipality of the Village of Bowmanville; and of Thomas Dallas and others, of the Township of Orillia; praying for the abolition of Sunday labour in the Post Office Department.

Of L. Burwell, Chairman, on behalf of a Public Meeting held at Port Burwell; praying for the passing of an Act to extend the provisions of the Reciprocity Treaty with the United States.<sup>1</sup>

Of the Municipality of the Township of Peel, County of Wellington; praying for the passing of an Act to authorize the construction of a Railway from the waters of Lake Huron, at Saugeen, to the waters of Ontario, at Toronto.

Of Pierre Drolet and others, of the Parish of L'Ancienne Lorette; praying that the Road leading northward from the Government Grist Mill in the Parish of L'Ancienne Lorette, to the Grand Desert, may be macadamized and placed under the control of the Quebec Turnpike Trust.

Of the Quebec and Saguenay Railway Company; praying for a grant of wild land in alternate blocks, on each side of their line of Railway, in order to afford the said Company facilities for obtaining the requisite capital for the yearly extension of the said Road.

Of the Mechanics' Institute of St. Césaire, County of Rowville; praying for aid.

Of Charles A. Sheffer, Mayor, and others, of the Village of Chambly; praying for aid to improve the Road in front of the Village of the Basin of Chambly, heretofore belonging to the Board of Works, and now abandoned.

Of H.M. Garden and others, of the Village of Thorold; and of the Municipality of the Village of Thorold; praying for the passing of an Act to make Vessels holden for

(155)

all stores, provisions, and labor obtained by them while passing through the Welland Canal.

Of the Municipality of the Township of Brighton; praying that certain Road allowances in the said Township may be invested in William Butler.

Of the Municipal Council of the United Counties of Peterborough and Victoria; praying that certain amendments may be made in the Municipal Act of 13 & 14 Vic. cap. 48.

Of the Municipal Council of the United Counties of Peterborough and Victoria; praying for the repeal of certain portions of the Common School Act.

Of the Municipal Council of the United Counties of Peterborough and Victoria; praying for the passing of an Act to assimilate the method of paying jurors in both sections of the Province.

Of William Cook, of Mount Albion, Township of Barton; praying that he may be heard by Counsel at the Bar of the House in relation to the Buffalo and Lake Huron Railroad Company.

Of the Municipality of the Township of Toronto; praying for certain amendments to the Assessment Laws of Upper Canada.

Of the Municipality of the Village of Richmond; and of the Municipality of the Township of Gloucester, County of Carleton; praying that means may be adopted to relieve from a heavy personal Tax, the rural population of the County of Carleton.

Of the Municipality of the Village of Richmond; and of the Municipality of the Township of Gloucester, County of Carleton; praying that a Survey may be made in order to ascertain the probable cost of constructing a continuous line of water communication from Lake Huron to the St. Lawrence by the Valley of the Ottawa.

Of the Mechanics' Institute of the Village of Dunville; praying for aid.

Of Simon Oteau and others, School Commissioners of St. Joseph de la Pointe Lévi; praying aid for a Female Academy in the said Parish.

Of the Reverend J. Fishburn, Pastor, and others, Elders and Members of the Evangelical Lutheran Church of Canada; praying for the passing of an Act authorizing the Ministers of the said Church to solemnize Matrimony in this Province.

Of the Municipality of the Township of East Hawkesbury; praying for the passing of an Act to establish the original Survey of the said Township.

Of the Honorable Peter McGill and others, Rate-payers in and for the County of Ottawa; praying that the said County may be relieved from the payment of the amount of Stock subscribed in the Montreal and Bytown Railway Company.

Of William McPherson and others, of the Township of Port Daniel, County of Bonaventure; praying aid for the construction of a Bridge over the little Port Daniel River.

Of the Municipal Council of the County of Brant; praying for the passing of an Act authorizing the settlement of the disputed line between the Townships of Burford and Norwich.

Of the Municipal Council of the County of Brant; praying that power may be given to the Municipal Council to enable them to indemnify John Turner for loss sustained in the construction of the Court House and Gaol of the said County.

Of the President, Directors, and Company of the Bond Head Harbour; praying for power to increase their Capital Stock, and for certain other amendments to their Act of Incorporation; and also, that the Village of Newcastle may be incorporated.

On motion of MR. PREVOST,<sup>2</sup>

(155)

Ordered, That the Petition of the Municipal Council of the County of Terrebonne, and all other Petitions having reference to the Municipal Debentures of the said

(156)

County, be referred to the Select Committee appointed to inquire into all the transactions of the Montreal and Bytown Railway Company.

*Resolved, That the Petition of the Municipal Council of the Town of St. Catharines, relative to Houses of Refuge, be referred to a Select Committee, composed of the Honorable Mr. Merritt, Mr. Gamble, Mr. Hartman, Mr. Joseph Curran Morrison, and Mr. Frazer, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*Ordered, That the Petition of George Rykert and others, of the Town of St. Catharines, be referred to the said Committee.*

*Resolved, That the Petition of James K. Benson and others, of the Town of St. Catharines, be referred to a Select Committee, composed of the Honorable Mr. Merritt, Mr. Joseph Curran Morrison, Mr. Frazer, Mr. Mackenzie, and Mr. Foley, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*Ordered, That the Petition of George Brown and others, Creditors of the Buffalo, Brantford and Goderich Railway Company, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*On motion of the Honorable Mr. Cameron, seconded by Mr. Clarke,*

*Ordered, That the 62nd Rule of this House be suspended, as regards the Petition of the Municipality of the Township of Minto, County of Wellington.*

*Ordered, That Mr. Munro have leave to bring in a Bill to increase the Capital Stock of the Port Darlington Harbour Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty-fifth instant.*

*Ordered, That leave of absence be granted to Mr. Galt until the second day of April next.*

*Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to incorporate the Canada Northwest Railway Company.<sup>3</sup>*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the twenty-eighth instant.*

*The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, dated 18th February last, for a Statement of all expenses incurred by the Province, whether paid or unpaid, for removing the Public Offices, and all Public Officers and Servants, from Quebec to Toronto, whether for freight, cartage or indemnity; of all expenses incurred in the several Public Offices and Parliament Buildings, since first October last, for new furniture or repairs to furniture; of all expenses incurred in repairs, alterations or additions made to the several Buildings occupied as Public Offices, Parliament Buildings, and Governor's residence; of the amount of rent paid or payable for the several Buildings used as Public Offices; and an Estimate of the expenses to be incurred in and resulting from the conditions of such leases; the said Statement containing generally a mention of all the expenses whatever incurred by the Province in consequence*

(157)

*of the late removal of the Seat of Government from the City of Quebec to the City of Toronto.<sup>4</sup>*

*For the said Return, see Appendix (No. 21.)*



Return to an Address from the Legislative Assembly, dated 10th instant, for Statement of Assessment Rolls of Municipalities which have effected Municipal Loans. For the said Return, see Appendix (No. 22.)

Return to an Address from the Legislative Assembly, dated 5th instant, for a Statement of Municipal Debentures of the County of Terrebonne exchanged by the Government for Provincial Debentures, together with copies of Correspondence asked for. For the said Return, see Appendix (No. 23.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 28th ultimo, representing that the first and second Sections of the 12 Vic. cap. 200, intituled, "An Act to raise an income of One hundred thousand pounds, out of the Public Lands of Canada, for Common School Education," enact that all moneys that shall arise from the sale of any of the Public Lands of the Province, shall be set apart for the purpose of creating a capital, which shall be sufficient to produce a clear income of One hundred thousand pounds per annum, to form a Public School Fund; and that the said Fund shall not be alienated for any other purpose whatever; but shall be and remain a perpetual Fund for the support of Common Schools, and the establishment of Township and Parish Libraries; and praying that His Excellency will be pleased to direct the proper officer to lay before this House, as soon as practicable, a Return of the gross amount received annually from the sales of any of the Public Lands since the passage of said Act, in Upper and Lower Canada; also, representing to His Excellency, that by the third clause of the said Act, One million acres of land, as a special appropriation, the proceeds of which, after paying for the management or sale thereof, with the amount of Indian annuities thereon, shall be applied towards creating the said Common School Fund; and praying that His Excellency will be pleased to cause to be laid before this House, a Return of the gross amount received from the sale of those lands, the cost of management, and the amount of the Indian annuities charged against the said One million of acres; also, a Statement shewing the number of acres sold, giving the average price per acre, the number of acres unsold, and the average price at which the land is now held, in order that the House may be placed in possession of all necessary information as to the amount to which the Common School Fund is entitled under the said recited Act.

For the said Return, see Appendix (No. 24.)

Return to an Address from the Legislative Assembly, dated 10th instant, for copy of the Report of the Magistrate in command of the Government Schooner "La Canadienne," in the Gulf of St. Lawrence, during 1855.

For the said Return, see Appendix (No. 25.)

Return to an Address from the Legislative Assembly, dated 28th ultimo, for a Statement of sums paid for support of Common Schools in Upper and Lower Canada respectively, in 1855.

For the said Return, see Appendix (No. 24.)

The Honorable Mr. Cartier also laid before the House, by command of His Excellency the Governor General,--Statement of the gross amount received from the Fee

(158)

Fund in Upper Canada, and of the expenses of the Administration of Justice paid out of the same during the year ended 31st December, 1855.

For the said Statement, see Appendix (No. 26.)



*And also, Annual Report of the Post Office Department for the year ending 31st March, 1855.*

*For the said Report, see Appendix (No. 27.)*

*On motion of the Honorable John Sandfield Macdonald, seconded by Mr. Rankin, Ordered, That the Entries in the Journals of this House during the Session of 1849, which relate to the Address to His Excellency the Governor General on the subject of convening Parliament alternately at Toronto and Quebec, and His Excellency's answer to the same, be now read.*

*And the same being read;*

MR. J.S. MACDONALD expressed a wish to have a call of the House on this debate.<sup>5</sup>

MR. SOL. GEN. H. SMITH could not see any necessity for a call of the house. There were many hon. gentlemen then absent who would arrive before the debate had been concluded that evening.<sup>6</sup>

MR. J.S. MACDONALD acquiesced. The present question was, he considered, one of the most important that could occupy the attention of that House. Its evils were patent to every one. The events connected with the removal of the Seat of Government to Montreal in 1849, and subsequent removal to Toronto and Quebec, were not at all creditable to the Province. When they were gone, and the history of Canada came to be written the historian could not avoid making the events of these times a black page in the history of the Province.<sup>7</sup> In the midst of riot and excitement, however, the alternate system was agreed upon.<sup>8</sup> Nothing that had transpired since was calculated to satisfy the people of the Province that the present system was an advantageous one<sup>9</sup>, [or made] him (Mr. Macdonald), alter his opinion, that a permanent Seat of Government alone would insure quietness, peace and prosperity to the Province. In 1849 the Government was ordered to Toronto, whence it was removed at enormous expense. They then remained here for two years, and had scarcely been properly settled down before they were ordered down to Quebec! And from the time they left Montreal until they arrived at Quebec, the expenses consequent on the removal was not less than 116,000L--not taking into consideration the additional outlay caused, while in Quebec, by their removal to the Nunnery when the Parliament buildings were burned down<sup>10</sup>, [and] by the firing of [that] Nunnery.... They removed thence to the Quebec Music Hall, of that cost they had not got a return.<sup>11</sup> Then, again, the expense incurred by the removal to Toronto this year, would, he had been assured, amount to something like 75,000L! Not only had the heads of department, but all the Government employes--including at least one hundred and seventy-two families had been brought up! Now he would remark--independent of the inconvenience attending this system, the danger to the public property and the archives of the Province--that the wretchedness and degradation it entailed on Government employes was incredible. The time had now come when such a system should be put an end to.<sup>12</sup> Many would desire to vote in favor of localities suited to their personal advantage, but they should act for the good of the whole Province or for posterity.<sup>13</sup> It [was] high time that some one place should be fixed upon where buildings could be erected that would be an ornament and credit to the Province.--The advocates of the alternate system were the residents west of Cobourg and east of Three Rivers<sup>14</sup> [OR] east of Quebec<sup>15</sup>. But to the mass of the population it was distasteful. It was supported on the ground that it was calculated to ripen the attachment between the people of Upper Canada and those of Lower Canada.<sup>16</sup> Was it for the benefit of the Province? Did it tend to promote the stability of our institutions that the Government should have no permanent place? The hardships it inflicted on public account

were great. Many of the employees, who, if they had remained at Montreal would have been comfortably off in possession of property increasing in value, were now living from hand to mouth and calling on the Government for relief, and for this as for all the rest the Province had to pay. He had failed to see the benefit of the alternate system which its defenders had proposed to find in it. He had not found that prejudices had been softened or the peoples of the extremes made any better friends by these perambulations. There was nothing at all commensurate with the cost of this system.<sup>17</sup> Already the expenses were upwards of 200,000L, and if the alternating system was continued, another large sum would be required to prepare buildings at Quebec.<sup>18</sup> Are the farmers of the country who pay the taxes, who are year after year asking for relief--for the removal of duties, are they to be told they are to bear this increased taxation in order to keep such a system? It had been urged as a threat, and he had regretted to hear the late Inspector General, the Governor of Barbadoes, say that the establishment of a permanent seat of government was not wise, as the union would not last---nay, that such a step would hurry the dissolution.<sup>19</sup>

MR. LARWILL.--You would say the same yourself.<sup>20</sup>

MR. J.S. MACDONALD.--He would say no such thing, he should deplore nothing so much. They should come to this vote at once, and if people believed this, let an understanding be come to now about this break up of the union. It was mischievous and unpatriotic to use such arguments as these. Was that the way to maintain our position<sup>21</sup>, to give credit abroad to our Debentures?<sup>22</sup> Were they to be told of a dissolution of the union now--after 14 years of almost unexampled prosperity? Let those who are convinced that that union cannot much longer exist, come forward and manfully say so; but let them not, under the plea that the union cannot last, attempt to perpetuate a system, the abuse of which was so much to be deplored.<sup>23</sup> He could not believe hon. members in urging this. It was to his mind a paltry cry. It was too much the fashion with some Upper Canadians to cry out that they were so much ridden by Lower Canadians<sup>24</sup>. It was said that because Separate Schools and Ecclesiastical Corporations were forced on Upper Canada, the union should be broken up. But what were those grievances compared with the evils that would result from the breaking up of the union and our being thrown back into the state of chaos in which we were formerly?<sup>25</sup> In what condition was the credit of Upper Canada before the union took place, and what was now the respective condition of the Provinces? In Upper Canada they had availed themselves of the Municipal Loan Fund to an extent, and involved themselves in a debt of over a million and a half. In Lower Canada, only to the extent of some 200,000L<sup>26</sup>--

MR. SICOTTE the SPEAKER ... said, that if the debate took that wide range, every question might be debated, on this subject.<sup>27</sup>

MR. J.S. MACDONALD bowed to the decision of the Speaker, and went on to say that if hon. gentlemen would boldly state, in the face of their constituents and of the world at large, that the union could not last, then those hon. gentlemen favorable to a continuance of the existing union would know what course to pursue--would, in fact, be able to put their House in order.<sup>28</sup> If the plea of the instability of the union was the strongest argument for the alternating system, it was the duty of the House to give a deliverance on that point. For his own part he did not believe that the union would be broken up.<sup>29</sup> If others did, let ... them say when this dissolution is to be and if they are prepared to promote it. How long were they to maintain the alternate system waiting for the Union to break up.<sup>30</sup> He hoped there was

sense and independence enough in the House to affirm the principle contained in his motion, that the time had arrived when a permanent Seat of Government should be fixed. He desired it should be fixed in some one place, wherever the locality might be.<sup>31</sup> He had voted last session for several places successively—even for Quebec, moved by the member for Essex, who also only desired a permanent seat thinking it of less importance where it was fixed. He (Mr. McDonald) had no personal ends to serve. He had of course his preferences based on his judgment of fitness and convenience, but he had no lands to be enhanced in value in Quebec or Montreal, in Toronto, Bytown, or Kingston. The matter should be decided now because it was necessary that buildings should be erected at the Seat of Government. Until that was done Government must remain where it is now. Who in Upper Canada were prepared to vote money for buildings at Quebec to keep up the alternate system? He would like the Quebec people to find that out.<sup>32</sup> He wished hon. gentlemen from the eastern part of the Province not to fancy for a moment that they would gain by putting off the question. Let them not fancy that money would be voted to erect expensive buildings at Quebec, when there were buildings at Toronto. And remember also that the longer Parliament remained in Toronto, the more likely it was to remain there permanently.<sup>33</sup> He had voted for Quebec as a permanent Seat of Government, and would sooner vote for Toronto now than not have a place fixed upon. He would sooner vote for Sandwich or Gaspé. The constituencies demanded the abandonment of this system, and he trusted the House would affirm the resolution.<sup>34</sup> In conclusion, the hon. gentleman moved that an humble address be presented to His Excellency the Governor General, stating that in the opinion of this House the time had arrived when the present system of convening Parliament alternately at Toronto and Quebec, should be discontinued.<sup>35</sup>

(158)

*The Honorable John Sandfield Macdonald moved, seconded by Mr. Rankin, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when the present system of convening Parliament alternately at Toronto and Quebec should be discontinued;*

MR. PROV. SEC. CARTIER presented a number of returns, one of them being a statement of the expenses of the removal of the Seat of Government from Quebec.<sup>36</sup>

MR. LORANGER begged the ... attention of the House to the fact that the return was not complete. It did not contain all the information called for.<sup>37</sup>

MR. GAMBLE was glad the member for Glengary had put it, on public grounds, quite aside from any local or sectional interests. He desired to imitate him in pressing that course.<sup>38</sup> [But] after listening to the flowery speech of the hon. member for Glengarry, he was not convinced by his arguments, as he took an entirely different view of the subject.<sup>39</sup> [He] thought that it was for the public good that they should continue to carry out the system which has been acted upon for the last six years. (Hear, hear.) From what he had seen in the Lower Province, he had come to the conclusion that it was greatly for the benefit of the country that the present system should be continued. (Hear, hear.) Hon. gentlemen had only brought forward this question for the purpose of creating agitation<sup>40</sup>. And before the system could be changed, four years must elapse, therefore it must be obvious, that if the House now entered upon a discussion or come to any decision thereupon they will naturally prejudice this very important question. From the remarks which had fallen from the previous speaker, it would indeed appear that this House has nothing else to do but



to take up this question--a question which had been amply discussed so recently as March last, upon resolutions of 1851, and that discussion resulted in the Parliament coming back to Toronto; and we have scarcely taken our seats here before the hon. member for Glengarry and his friends would hurry the Parliament away again, almost as speedily as we came here. If we are to have a permanent seat of Government now fixed by a vote of this House, what is there to prevent a majority at some future period changing the Seat of Government to Quebec? And it was one thing to affirm the principle of a permanent seat, and another to affirm where that permanent seat should be; and it would have been well for the hon. gentleman to have stated to this House where he proposed that permanent seat should be.<sup>41</sup> (Hear, hear.) But he had not done so.<sup>42</sup> Among other arguments of the hon. gentleman was this, that great danger had arisen from removing the archives of the Province, and a motion had been referred to in reference to the loss of two packing cases, which contained he (Mr. G.) believed an old table and a couple of chairs, and these packages had probably fallen overboard, and were now either floating in the St. Lawrence, or more probably may have got out into the Atlantic, and it will be shortly reported that a portion of the archives of Canada have been cast ashore on the coast of Ireland. Another argument made use of was,<sup>43</sup> that the officers and their families under the Government had been injuriously affected in a monetary point of view. He thought that its employees had made a very good business out of that removal, they had not only been amply remunerated for their services, but had put something into their pockets besides.<sup>44</sup> Another complaint raised by those advocating a permanent seat, was that the longer the seat of Government remained here the greater the chance would be--it would stay here always. The member for Glengarry had said he should vote for it. The same complaint had ever been kept up, when a removal took place originally to Quebec they were told it would never come back to Toronto, and so the Quebec people were told, to frighten them, that once settled in Toronto it would never go back there. In advocating the system he had no local interest to serve.<sup>45</sup> If there was any place more than another to which it made less difference whether the seat of government was fixed permanently, it was Toronto. (Hear, hear.) And there was good reason why the seat of Government should be retained here in Toronto for the next four years. He would advert to her progress; she had made more progress in population, wealth, and commerce, than any other portion of Canada. It was a place in which public opinion concentrates more than it did in any other part of the country, and it was a place of that kind where the Legislature should meet, because it was important that the members of the house should be seated in a place where public opinion could be easily ascertained, and by the enterprise and rapid advancement of the city of Toronto, they were likely to be beneficially affected by the surrounding influences. He would conclude by moving, as an amendment to the motion of the hon. member for Glengarry, "That all after the word 'that' be expunged, and the following inserted instead: 'Any consideration of the question of the seat of Government during the present session, is inexpedient.'" <sup>46</sup>

[The motion was] seconded by MR. CAMERON.<sup>47</sup>

MR. POWELL said, it had been well remarked that this was a very important question, and it was also important for members of that House to show that they could deal with it irrespective of petty, narrow, sectional considerations.<sup>48</sup> The mover of the amendment had disclaimed being influenced by any local or sectional feelings, yet he went on to tell the House that Toronto was the only place where public opinion was of that character that its wholesome influence could be felt on the Legislature<sup>49</sup>--

MR. GAMBLE.--No!<sup>50</sup>



MR. POWELL had so understood the hon. gentleman<sup>51</sup>. That was an argument for a permanent Seat of Government, and he was surprised that the hon. member did not boldly state his opinion that it should be permanently fixed at Toronto.<sup>52</sup> He [Mr. Powell] thought public opinion was to be found elsewhere. Referring to the decision in favor of a perambulatory seat of Government, he said it was made while the capitol was in a state of anarchy, when the Parliament buildings had been destroyed, and when members were so much under the influence of fear that they had taken leave of their senses<sup>53</sup> [and] were incapable of deciding a question of such importance. But even then, the majority for a removal was a very small one and the Upper House opposed any removal, and the then Governor of this Province repudiated the proposition made by the Lower House<sup>54</sup>, though he subsequently assented to the system. That system had cost the country 130,000L up to the time of the last move, and that had cost, as they found from the return sent in to-day, some 70,000L more. There was a squandering of the public money, there was a hardship to the employees, and there was a danger of destruction of the archives of the Province in the system. If not now, at least in the previous removal hence to Quebec, a vessel had sunk with a[r]chives on board.<sup>55</sup> Were hon. gentlemen prepared for this constant waste of the public funds? Are they prepared to sanction danger to the public documents and papers? Are not the feelings and interests of men employed by the Government [to be consulted] in this matter? The hon. member (Mr. Gamble) says that the employees of the Government have not been grievously injured by the alternate system, because they have been remunerated. But does not that remuneration come from the country, and are hon. gentlemen prepared to say that this waste should continue?<sup>56</sup> He believed, however, that men of education and abilities were deterred by this nomadic system from connecting themselves with the Government. He would not say what he considered the most eligible site, but he was prepared to affirm the principle that the present system should be discontinued.<sup>57</sup> He was prepared to vote for Toronto or Quebec, or Montreal or Hamilton, or Kingston, or Sandwich, or Gaspe<sup>58</sup>, rather than continue the present system. He would not conceal, however, that he considered Ottawa possessed greater advantages, and was open to fewer objections than any other place that could be named.<sup>59</sup> He hoped to see others also rise above petty sectional views, and confer a permanent Seat of Government on the country as a boon desired by the people.<sup>60</sup>

MR. MERRITT.--When the Union was established the Seat of Government was placed at Kingston, and it was understood that it was to be kept in Upper Canada. Then it was removed to Montreal, and arrangements were made and expenses incurred to fix it permanently there.--Then it was removed away again and so it would continue to be. He had no faith in the Government remaining for a great length of time in one place. As far as public opinion was concerned,<sup>61</sup> [he] thought that Montreal and Quebec were as much the centre of public opinion and commerce as Toronto. He did not think that the public opinion of Toronto was anything superior to the public opinion of any other city. But setting aside the question of precedence, he (Mr. Merritt) would say that<sup>62</sup> members should bring that from their constituencies, not learn it in Montreal, Quebec, or Toronto.<sup>63</sup> If the hon. member for Glengary thought that anything could be permanent under our present system, he was very much mistaken. If he [Mr. Merritt] believed the Government could be permanent, he would vote for it; but he had no such expectation. There were elements at work that were bringing about a dissolution of the Union.<sup>64</sup> They could not found a city out of such discordant elements. Were we any nearer union or harmony than in 1840<sup>65</sup> [OR] 1841? (No!)<sup>66</sup> The reason he opposed a permanent Seat of Government was that he believed that no power could prevent a dissolution of the Union. In Montreal they were once, as he had said, settled, with all the privileges of Parliament hedging them in, and there

they had the Parliament House burned under their feet, and themselves been turned adrift.<sup>67</sup> Were they to be established there again? What security was there, that a like atrocity would not be acted there again. He (Mr. Merritt) did not think that public opinion was prepared, at the present moment, for a dissolution of the Union between the two sections of the Province; but he felt convinced that such a feeling was gaining ground here every day.<sup>68</sup> From 1823 to the time of the Union he was in favor of the Union for commercial reasons. Upper Canadians had then need of access through the St. Lawrence to Lower Canada. They wanted that no longer; they wanted also their share of the duties of imports. Now, these reasons no longer existed--nor could the Union last long. It was therefore, idle, to go to the expense of establishing a Seat of Government for the whole Province.<sup>69</sup>

MR. RANKIN felt, as at Quebec, that it was a matter of regret that the Government had not brought this matter forward on their own responsibility. It was a matter of public economy, and of plain common sense, that they had to deal with, and no man of common sense, uninfluenced by local considerations, would give his opinion in favor of the present system: a system commenced in cunning and carried out under the influence of fear.<sup>70</sup> All the arguments that could be used either for or against it, were now thoroughly exhausted; and all hon. members, by this time, ought to have made up their minds how they would vote in this matter. But there was one thing that the hon. gentleman who preceded him had not touched on, and that was the argument so often used here of precedent. There was a number of gentlemen [who were] great sticklers for precedents. They had during the past week an ample display of this sort of thing. He would, therefore, ask if there was any precedent in other countries for such an absurd system? He was convinced that the cost of the last removal would be 150,000L. If his memory served him right, when it was decided that the removal to Toronto should take place it was upon the consideration that no time should be lost to consider the permanency of a Seat of Government.<sup>71</sup> He did not think it was premature to discuss the question. No one fancied that the seat of Government would be removed from Toronto till the expiry of the full period, for certainly three years would be a short enough time to make preparations at the permanent seat, whenever it might be fixed.<sup>72</sup> He thought he was not far wrong in saying that the cost of the last removal would be as much as would build suitable accommodation in any locality for the uses of Parliament. There was a large class of persons connected with Government who were seriously injured by this sort of thing, and for these reasons he was prepared to consider at once the adoption of the principle of a permanent (*sic*) Seat of Government. He thought they would not get one of the eleven hundred, as his friend for Glengarry says, who follow the Government.<sup>73</sup>

MR. BOWES thought that the hon. gentlemen who preceded him had not shown one conclusive reason for the discontinuance of the present system. It was in his estimation the peculiar province of the Representative of Royalty to say where parliament should be convened--whether at Quebec, Montreal, Toronto, Hamilton, or Kingston. It was stated by the hon. gentleman who just sat down, that it was fear that drove the members from Montreal, but if they looked back to 1849, when the perambulatory system was adopted they would find that the Hon. Henry Sherwood, then member for Toronto, proposed that motion previous to the removal of the Seat of Government from Montreal, under the very exciting circumstances which occurred at that time. It would also be found in the examination of the amounts of expenditure that the removal to Toronto is a mere bagatelle. Instead of 75,000L as stated by ... [Mr. J.S. Macdonald], the account will show that the expense has been less than 20,000L, and the expenditure of the 52,000L for the repairs of the Government House

and the Parliament Buildings, is an expenditure that will not require to be incurred again, when the Government should return again from Quebec to Toronto. The expense of removal would then be something like<sup>74</sup> 5,000L a-year for the four years<sup>75</sup>; and if a permanent Seat of Government is now established as is so earnestly desired by the hon. member for Carlton, and if upwards of 200,000L were expended<sup>76</sup> at Bytown, or elsewhere,<sup>77</sup> upon the erection of the necessary buildings, they would incur an annual expense for interest of 13,000L, more than double the amount by the present system, so that it was very evident the perambulatory system is the least expensive; they had been asked, was there any other country which adopted this system?--He would ask in return, if there was any country where there were two distinct classes of people met in the Legislative Chamber to carry on the public business<sup>78</sup>--

An hon. member.--Yes, Great Britain and Ireland.<sup>79</sup>

MR. BOWES.--The people of Great Britain and Ireland are the same people, and speak the same language, but the vernacular of the people of Lower Canada is French. Independently of that there are great advantages to be derived from the representatives of Western Canada going to Quebec, and great advantages to be derived from the representatives of Lower Canada coming to Toronto. He trusted therefore that this question would not be looked upon as a mere question of pounds, shillings, and pence, as in his estimation the expense of the perambulatory system was a mere trifle when compared with the advantages which resulted from it. It was an advantage to have the land granting department alternately at Quebec and Toronto, because it was very convenient to the different sections of the Province. He hoped they would hesitate before deciding on this matter, in consequence of the present state of Great Britain with regard to the war with Russia, and also the present unsettled aspect of affairs with respect to America. It might be necessary before the expiry of the three years to remove the archives of this country down to Quebec for safety.<sup>80</sup> He therefore thought that they should leave it to the Representative of Royalty to call Parliament together where he thought best for the interests of the country. By another meeting of Parliament they would be in a position to know whether any trouble need be apprehended from the United States. He would, therefore, under the circumstances, support the amendment of the hon. member for South York [Mr. Gamble].<sup>81</sup>

Several members then called out--"call in the members."<sup>82</sup>

No other member rising to speak, Mr. SICOTTE the SPEAKER gave orders to call in the members for the division.<sup>83</sup>

MR. HARTMAN rose amidst cries of "chair, chair."<sup>84</sup>

MR. BROWN rose and met the same euphonious greeting.<sup>85</sup>

MR. SICOTTE the SPEAKER stated that after members had been called in, the discussion was closed.<sup>86</sup>

MR. BROWN said that a number of members had gone away, not thinking that a division would be taken so early, and he desired, therefore, that the debate should be continued till after the recess.<sup>87</sup>

MR. SICOTTE the SPEAKER said that to speak further to the question would be against a rule unanimously adopted by the House.<sup>88</sup>



The amendment was then put<sup>89</sup>.

(158)

Mr. Gamble moved in amendment to the Question, seconded by the Honorable Mr. Cameron, That all the words after "That" to the end of the Question be left out, and the words "any consideration of the Question of the Seat of Government during the present Session is inexpedient" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Biggar, Bowes, Brown, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Christie, Clarke, Cook, Crysler, Dionne, Evanturel, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gamble, Hartman, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Matheson, Meagher, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Niles, O'Farrell, Polette, Pouliot, Price, Rhodes, Robinson, Rolph, Solicitor General Ross, James Ross, Solicitor General Smith, James Smith, Spence, Stevenson, Taché, Wilson, and Wright.--(53.)

(158-159)

NAYS.

Messieurs Bell, Bellingham, Brodeur, Bureau, Burton, Cartier, Church, Conger, Cooke, Crawford, Daly, Charles Daoust, Jean B. Daoust, Darche, DeLong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Foley, Galt, Gill, Guévremont, Holton, Huot, Jackson, Jobin, Labelle, Laberge, Laporte, Loranger, Lyon, John S. Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Mattice, Mongenais, Murney, Papin, Patrick, Poulin, Powell, Prévost, Rankin, Sanborn, Scatcherd, Shaw, Sidney Smith, Somerville, Southwick, Terrill, Turcotte, Valois, Yeilding, and Young.--(62.)

So it passed in the Negative.<sup>90</sup>

(159)

And the Question being again proposed, That an humble Address be presented to His Excellency the Governor General, representing to His Excellency that, in the opinion of this House, the time has arrived when the present system of convening Parliament alternately at Toronto and Quebec should be discontinued;

MR. CAMERON said before that motion was put, he had an amendment to move to it. He thought it desirable before determining the question of a permanent Seat of Government, to have some knowledge of the probable expense which would be incurred in the erection of the necessary building, and the purchase of the land and other things connected with the location of Governments in whatever locality it might be determined on. He trusted the further discussion of the question would be postponed until such time as Government were prepared to lay before the House a statement of the estimated expense of locating a Government in any of the various points which have been spoken of<sup>91</sup>, whether that might be at Kingston, Toronto, Montreal, Ottawa, or Quebec. Of course, those hon. members must agree to his motion who took the trouble to require and move for returns as to how much it had cost to bring chairs and tables and records from Quebec to Toronto, and how much it would cost to take those chairs, tables and records back from Toronto to Quebec. Those who were anxious to know whether there had been an expense of 5,000L, 10,000L, or 20,000L for that purpose, must be equally anxious to know about the expenditure of 200,000L or



250,000L that might be necessary to purchase property and erect public buildings at the various points where it was proposed to fix the Seat of Government permanently. There had not been so much difficulty experienced in the working of the perambulating system as had been predicted. The expenses had not been found to be so very large in comparison with the advantages which had resulted. At all events they were not so large as that they should disturb the system commenced in 1849, re-affirmed by a vote of the Legislature in 1851, and re-affirmed by a vote last session, until they knew exactly what it would cost the Province to erect permanent buildings. The principal difficulty that was urged was the danger to the public papers and records of the Province. But he did not see why that might not be obviated by the Government having duplicates of every public document and paper, one being kept at the place where the seat of government actually was, and another being transmitted to where the seat of government would be<sup>92</sup>, so that there would be little danger of losing them, and the extra expense of preparing them would be but little. (Hear, hear). Hon. gentlemen said "hear, hear," but he was satisfied the expense of the plan he had suggested would not be great and it would be found to work as hitherto for the benefit of the country.<sup>93</sup> But what reason had they to suppose that any resolution of this House could make a permanent seat of government? They had ... it permanently fixed at Kingston, but that came to an end. Then they had it permanently fixed at Montreal, but that came to an end also.<sup>94</sup> It is contended that it was one of the conditions of the Union that the seat of Government should be in the Upper Province; but it is also contended by hon. members from the Lower Province, that they were not party to that arrangement and did not intend to be governed by it.<sup>95</sup> And supposing they were now to determine that there should be a permanent seat of government, did any one believe that the members of this House would be able to fix upon any one place as its locality? On every other occasion that that had been attempted, had not every place proposed been in a minority? What was the use of raising the question at this moment, when it was perfectly certain that even if it were settled now, next session it would be raised over again? If it were to be fixed permanently, some hon. members were in favor of Montreal, some in favor of Ottawa.<sup>96</sup> The hon. member for Glengarry had been for Montreal, and was now for Ottawa, probably because the railway rendered it convenient of access.<sup>97</sup> For his own part he would go for Toronto. He would not pretend that he had no personal interest here, but at the same time he considered Toronto the most suitable place, because it was more likely to be the centre of the population in years to come, than any other city. But he was prepared to keep faith with the gentlemen from the eastern section of the Province who voted last year for the arrangement being carried out by which Parliament came back to Toronto. He was willing to keep faith with them and to support the continuance of the existing system.<sup>98</sup> Is the hon. member for Glengarry prepared to say what it would cost at Montreal or Ottawa? Could he say it would only cost one or two hundred thousands, or even a larger sum? They should not adopt this change without knowing something of the cost. He therefore contended that at the present they could not adopt the resolution of the hon. member for Glengarry. If a permanent seat of government were to be adopted, he should be very glad, for the sake of the hon. member for Carleton, to see it at Ottawa, which was an inland place easy of defence.<sup>99</sup> The hon. gentleman referred to the system he had suggested, of preserving the public documents, and considered that in point of economy no one would object to it; while they had a right to know, before this question was taken up, what would be the expense of the public buildings at any point that might be fixed upon--before proceeding to fix the seat of Government.... The hon. gentleman had the floor when<sup>100</sup>--

MR. SICOTTE the SPEAKER stated it was six o'clock, and left the chair.<sup>101</sup>

[After the recess,]

MR. CAMERON said, that the motion he was about to move, at six o'clock, was an amendment to the hon. member for Glengary's motion, with regard to the permanent seat of Government. It was as follows:--"That the further consideration of this question be postponed, until such time as the Government shall be prepared to submit to this House, a statement of the estimate[d] expenditure of the public buildings at Toronto, Montreal, Kingston, Ottawa and Quebec."<sup>102</sup>

MR. SICOTTE the SPEAKER.--Who seconds the motion?<sup>103</sup>

MR. CAMERON.--It is seconded by every body in the House. (Laughter). There are so many hon. gentlemen willing to second it, that I do not know who to mention.<sup>104</sup>

MR. STEVENSON was finally named as the seconder of the motion.<sup>105</sup>

MR. LORANGER was surprised [at] the hon. gentleman who had just sat down, putting before the House his motion--which he affirmed was seconded by almost every member in the House--but which nobody would second, (laughter<sup>106</sup> [and] hear, hear<sup>107</sup>). It was but an exemplification of the old adage, that "everybody's business is nobody's business."<sup>108</sup> He could not expect to come forward there with a proposition like this, thinking that he would meet with liberal support.<sup>109</sup> That hon. gentleman seemed to forget in putting forward his motion, that the Government did not act in this matter as a Government--that in fact, the Government had plainly announced that they could not agree on this question. The hon. member [Mr. Loranger] then stated that he held in his hand a statement of the Government respecting the expenses [that] had been incurred by the removal to Toronto--and he would just mention, that he for one, did not believe in the correctness of that statement. The hon. gentleman then read the title of the document in his hand, which was a return to the Address<sup>110</sup> dated 18th February last,<sup>111</sup> for a statement of all expenses incurred by the Province, whether paid or unpaid, for the removal of the public offices and all public officers and servants to Toronto--in fact, a general statement of all expenses whatever, incurred by the Province, in consequence of the removal of the Seat of Government from Quebec to Toronto.<sup>112</sup> His motion for the return embraced a number of items not to be found in the document sent down to the House, and was intended to take in every possible expense<sup>113</sup>. It would be remembered, he continued, that a supplementary Address had been previously voted by the House, asking for a return of the number of papers and archives which had been damaged or destroyed in the removal from Quebec to Toronto. But not a word respecting them was mentioned in the present document. The total expense consequent on the removal of the Seat of Government from Quebec to Toronto this year, was set down at 72,927L 3s. 2d. But he did not believe that was a full statement. The hon. gentleman then read the items of the account,<sup>114</sup> and complained that some of them were wrong--instancing the charge put down as the rent of the General Hospital, which was said to be only one penny. He supposed that was the rent which the Government has previously desired from the building, but it would have been as well to have put down nothing as one penny, besides, many of the items asked for were not to be found in the return.<sup>115</sup> [He] called particular attention to that headed "Expenditure of a general nature," which amounted to 710L. Now, he would like to ask, how did such an item as that come to be entered, when the Government had been called upon to give a detailed account of the expenditure?<sup>116</sup> Did this embrace the charges on furniture, &c., he had asked for? He thought not.<sup>117</sup> To prove the incorrectness of that report, he need only refer to the fact, that every blessed day since the Parliament

had been sitting in that House, mechanics had been working at one of the principal doors to their chamber. And a similar state of things existed in the Legislative Assembly. Since that body had assembled, several workmen had been engaged in the Library, breaking down and building up. (Laughter). Just like the two watchmakers who used to run over the country, one breaking all the watches he could lay his hands on, and the other repairing them. (Laughter). The fact was that since they had assembled here, expenses to the amount of 500L or 1,000L had been incurred in this way.<sup>118</sup> As to the supplement return, he would ask whether it was true that no archives or books were damaged? It was not true.<sup>119</sup> In the Inspector General's office he knew that half of the books had been damaged and burnt by the fire which destroyed the Parliament buildings at Quebec<sup>120</sup>, and the book-binders had been at work ever since the office was re-opened.<sup>121</sup> J'ai été une fois dans les bureaux du Receveur-Général et y ai trouvé des relieurs occupés à remettre à neuf plusieurs volumes dont un grand nombre se trouvaient dépareillés ou gâtés; mais l'état ne parle pas de ces dépenses, bien qu'elles aient été occasionné[es] en réalité par le changement du siège du gouvernement. Mes hons. collègues se souviennent-ils d'avoir lu dans les journaux une annonce relative à certains paquets égarés dans le voyage? Ont-ils été retrouvés.<sup>122</sup>

MR. COM. PUB. WORKS LEMIEUX.--Les caisses égarées ont été retrouvées.<sup>123</sup>

MR. LORANGER.--Je suis charmé de l'apprendre; mais les annonces qui ont contribué à les faire retrouver seront-elles portées à la colonne des frais causés par le déménagement du gouvernement?<sup>124</sup>

Une voix.--Elles sont comprises dans l'article des dépenses générales.<sup>125</sup>

[MR. LORANGER continued:] In regard to the item of "general expenditure," he would wish to know whether those expenses included the travelling expenses of the Assistant Commissioner of Public Works? He thought the estimate which had been handed in, too small, and would wish to make it the round sum of 80,000L. This statement had been too long withheld. It had been asked for on the first day of the session, yet it was not till about five minutes ago, when they had taken up the consideration of the Seat of Government question, that this return had been handed in.<sup>126</sup> Il me semble que nous aurions dû le recevoir au moins vendredi dernier. Peut-on espérer que ce document préparé ainsi à la hâte ait toute l'exactitude désirable?<sup>127</sup> He would not discuss the advantages of a permanent seat of Government; they were pretty well settled.<sup>128</sup> He thought it merely begging the question, when they had determined on fixing a Seat of Government for any hon. gentleman to come forward and as[k] a postponement of the subject until they had an idea of the expense which would be incurred.<sup>129</sup> He would, therefore, merely say he would vote against the amendment.<sup>130</sup>

MR. MACKENZIE feared the member for Toronto would rescind his motion, as he did on Monday night.<sup>131</sup> The amendment of the hon. member for Toronto was a very reasonable one and ought to be supported by the House. He thought it was time that a stop was put to these perambulating Parliaments, for<sup>132</sup> the children of Israel travelled 1750 miles in 40 years, and the children of Canada had beat them in a fifteen years pilgrimage<sup>133</sup>. There had been no Parliament Houses burnt in Kingston, nor in Toronto; neither had those places been disgraced by any Gavazzi riots; yet we had to move, below in Montreal, into the middle of the large market place, where sundry and bad odours were arising, and the occasion for such removal and such expense had been brought about by the hon. gentlemen opposite, (no, no.) Well he (Mr. McK.) supposed



they must be taken at their word.<sup>134</sup> [In] Montreal ... the Parliament House was burned by the friends and under the control of the gentlemen on the Government seats.<sup>135</sup> But in addition to the Parliament Buildings and the archives of the Province being lost, there was also a very beautiful library burnt, a library that could scarcely be replaced, and now that we are safe in Upper Canada again and have been just four weeks here, when a motion is made for a removal again, and where shall we be removed to permanently? Shall we go to Montreal to have a Governor pelted again with rotten eggs, or our Parliament Buildings again burnt? He would ask why should the House remove down there again? Was not Montreal beseiged (sic) for some time, and when the seige (sic) was raised, and the Governor General came up to Toronto, he found himself amidst peace and quietness. The costs of removing up here were very great, and this the Province had to put up with, in addition to the large sums expended on Monklands, which, as there were no Parliament Buildings left, had to be abandoned. But scarcely were members warm in their seats before off they were dragged again 500 miles, to Quebec, the theatre of the great exploits of Wolfe and Montcalm, and lo and behold! we had scarcely got down there, when that Parliament House<sup>136</sup> and one-half the library ... [were] once more burned<sup>137</sup>, and hundreds of thousands of dollars, which came out of the hard earnings of the people of the Province, had to be expended in providing temporary buildings, which some very pious and religious ladies were about to occupy as a convent, and which were just fitted up at great expense for Parliament, when they too were burnt down. The routed members then took refuge in the theatre, and instead of the coat of arms, which here adorns the House, we beheld over the Speaker's head a fiddle, and which if not noted for musical speaking during our deliberations, was certainly an emblem of sweet harmonious sounds. But fortunately at last the Parliament got safe up to Toronto, and if ever any man had good reason to say his prayers, it was when the members had the good fortune to arrive safe here; for it was a great contrast to the dark, dreary place they had been accustomed to labour in. Here members had free air--could look out upon the beautiful bay and lake<sup>138</sup>, besides advantages beyond comparison with Lower Canadian cities. Every thing went westward.<sup>139</sup> The expense, however, was not done with at Quebec. When the House was paid for, \$20,000 were spent for a terrace, and no end of money was sunk in burning offices.<sup>140</sup> He (Mr. Mackenzie) was quite tired of so much going to Lower Canada for every thing, and it was monstrous that we could not find a gentleman to manage our public works without going down for a Quebec Surveyor. Again, he would remark, that the motion of the hon. member for Toronto was a very appropriate one, at the same time he trusted that the hon. gentleman would not back out, as he (Mr. Mackenzie) was of opinion that he could not be much trusted. However, as we were now safe in Upper Canada again, it was, he thought, premature to make so early a motion on the question, although it was desirable that we should have a permanent Seat of Government.<sup>141</sup> How could they get it? Why only in a regularly organized country. It was ridiculous to suppose that any Seat of Parliament could be permanent, for there was no sort of connection with Lower and Upper Canada<sup>142</sup>. U. Canada had been settled as a Protestant country, and one seventh of the lands were set apart for the maintenance of a Protestant clergy, and this at the time Lower Canada had their own laws and institutions, and contrasting those laws and institutions, could there, he would ask, be anything like permanency established between the two sections of the Province? All our experience tells us that a country like this, extending for 1900 miles, could not be so united, and the only connecting link was the St. Lawrence, and its tributary waters running through the Province. If any further remove was adopted, after all the removes the House had been subjected to, he was of opinion that every member who voted for further change, should at once remove over the way to the Lunatic Asylum, as they certainly must be considered as moonstruck. He would ask this question of every



impartial man, was it to be expected that Upper Canadians<sup>143</sup>, who possessed three-fourths of the wealth of the country in their hands, would consent, in the first place, not even to have a vote in that House according to their population, and then, at the same time, to walk down six hundred miles to the cold city of Quebec, to the miserable country<sup>144</sup> where the people cannot grow wheat for their maintenance, and from which they export comparatively nothing,--at the same time that Upper Canada exported about five tenths of all that is exported from Canada, and raised the greater portion of the taxes of the country! Under such circumstances, are our Lower Canadian friends to be allowed to expend the whole of the money?<sup>145</sup> (Hear, hear.)<sup>146</sup> No, there was not a man that would suppose that Upper Canadians would stand it, and all would soon come to the conclusion that it would be necessary to move, and that shortly for a severance of the union. It was impossible for one Government to legislate for a territory of 1,900 miles long, and we should have to adopt the same plan as they had done in Australia, divide the Legislatures.<sup>147</sup> He used to be the friend of Lower Canadians and admired many good things about them, at a time too when there were not many men in that House who would say one word in their favour. (Hear, hear.) But he could not agree in the Parliament being at Quebec. As to the expense of permanent public buildings, the New York Custom House cost a million and a half dollars. In Ohio when he was last there, the public buildings had been burned and he was told it would cost millions of dollars to renew them.<sup>148</sup> It was desirable that our public buildings should be made fire proof, as in New York and other cities of the union, and not only fire proof, but such as would keep the archives free from damp; on the contra[r]ly, all our public buildings have ridiculous (*sic*) wooden roofs which constantly exposed them to the danger of conflagration. It was very desirable that before entering upon the discussion of any further public buildings, that the House should be put in possession of some estimate of the cost of these constructions. It was to be regretted that our French brethren did not give us fair play, as there was a distinct agreement entered into with them<sup>149</sup> at the time of the union, [when] it was agreed that the Seat of Government should be permanently in Upper Canada,<sup>150</sup> which had the greatest population; and further, it was progressive, yet what has been the fact, for ten years the Parliament has been held in Lower Canada, and only five years in Upper Canada.<sup>151</sup> To get a French majority to carry their measures, the Government were forced to go to Montreal. Now that the Seat of Government was in Toronto, he thought they should let well [enough] alone in the meantime.<sup>152</sup> It would be the better course to take to let the motion pass, and then wait and see what the cost of each one would be; by which time he was of opinion members would be prepared to vote for his (Mr. McK's) motion to dissolve the union--for at present we were saddled with vast outlays for Grand Trunks and other Roads to run through Lower Canada, which was to run over the Don Quixote Bridge at Montreal, and all this at a cost of some 33 millions, beside which it was ridiculous that one half the house should be conducting its business in a language which the other half did not understand.<sup>153</sup> He was not in favour of making Upper Canada build an expensive capitol for Lower Canada, in addition to all their railroads and bridges. He would let the gentlemen from Lower Canada go home and build their capitol for themselves, as high as Babel if they pleased.<sup>154</sup>

MR. FERRES admired the dodge of his friend from Toronto, which was very like that of Mr. J.S. McDonald on Monday<sup>155</sup>, but he would be surprised if that dodge succeeded. The hon. gentleman evidently wished to postpone the vote upon the main question to an indefinite period, but he thought that those hon. gentlemen who had made up their minds for a permanent Seat of Government would not be lead (*sic*) away by the plausible arguments which had been adduced<sup>156</sup>, [and] would see to it, that the question was decided to-night. He (Mr. Ferres) knew something of the events in

which this vagabond system had its origin.<sup>157</sup> The mob of Montreal had been spoken of in rather disrespectful terms, but he thought the mob of Montreal, although he did not see them, (hear, hear,) and was not among them, was entitled to the greatest credit upon that occasion. It was true they found the Parliament buildings so far destroyed that they could not save them, but they determined to save the other buildings, and they did so.<sup>158</sup> He did not think the people in Montreal were more riotously inclined than in any other city.<sup>159</sup> Since the Government had left, Montreal had been the most quiet city in the world, except at the Gavazzi affair, whereas Lord Elgin could not get to Toronto without the strong arm of the law.<sup>160</sup> A delay was asked until Government came down with a statement of the expense which would be incurred at the different points where Parliament buildings are proposed to be erected. He did not see the use of such delay<sup>161</sup> [and] of the estimate now spoken of, as buildings must be made anywhere; there would be no difference in the expenses for one place or another, unless the soil had to be purchased, and the Government already owned lands everywhere where the buildings were likely to be required.<sup>162</sup> A suggestion had been made to have duplicate documents, one set for the Government where it is, and the other where the next will take up its abode. The expense of transport[ing] documents was a very small matter, but were they to be at the expense of a duplicate set of furniture and duplicate offices, and other buildings for the employees of Government. For this last removal Government has paid the sum of 14,000L for the mere transport of the menage of the employees.<sup>163</sup> Le déménagement du gouvernement coûte 225,000 louis, dont l'intérêt, (13,000 l.) est perdu pour la province; tandis qu'en élevant les bâtiments de l'Etat à Québec, ou à Toronto, ou à Montréal, ou à Bytown, sur les terrains du gouvernement, le chiffre des dépenses ne s'élèverait pas à plus de 200,000 l., dont l'intérêt (12,000 l.) est moindre que celui des frais encourus avec le système actuel.<sup>164</sup> [And] 100,000L spent in the erection of buildings would be repaid in the value of those buildings and in the saving of rents, &c.<sup>165</sup> He knew there was a stipulation at the time of the Union that the Seat of Government should be in Upper Canada, and, so little prejudiced was he in favour of any one place, although it was true that he had a predilection for certain places, that, rather than continue the present system, he would vote for a permanent Seat of Government in Upper Canada<sup>166</sup> as soon as in Lower Canada.<sup>167</sup> The member for Haldimand argued that Upper Canada was the progressive country and should have the Seat of Government. But Lower Canada was the seat of the wealth and means of business which contributed to the prosperity of the Upper Province--occupying the same position to Upper Canada as Massachusetts, wealthy but not progressive, did to the Western States.<sup>168</sup>

MR. FERRIE did not think the amendment of the hon. member for Toronto should be carried, because it was no good reason for postpon[e]ment that they had not an estimate of the cost of the buildings at the different places. It was a matter of small moment; suppose the buildings cost a few thousands more at one place than another. He was in favour of a fixed Seat of Government and would give all his votes to that end. Neither was it a good reason to postpone this question, because the Union might be dissolved, because the buildings they now occupied were not competent to protect the public documents and public records from fire, while the inconvenience of having their offices scattered here and there was a strong reason for having the Seat of Government fixed [so] that suitable accommodation might be provided.<sup>169</sup> This was necessary, from a regard to the safety of the public records, and because it was inconvenient to the public officers to move every four years. He wished the matter settled, because, until this was done, the question would every year be brought up and argued with a great deal of feeling<sup>170</sup>, to the hindrance of the public business. As regarded the place it was immaterial to him, as he had no bias

either way. He had no pecuniary interest in either of the places. At the same time he thought Upper Canada was entitled to it,<sup>171</sup> having the Seat of Government at the time of the Union, and being nearer the centre of population<sup>172</sup>, [and] because it was more wealthy and more prosperous, and was likely to continue so. He would not like it to go to Montreal, because Montreal behaved in a very discreditable way when Parliament was there before, and Quebec was too far East.<sup>173</sup>

MR. FERGUSSON considered that the hon. gentleman who preceded him was wrong, when he considered it was necessary to vote upon this question to-night to prevent future discussion upon it. Did that hon. gentleman imagine that this parliament could bind the parliament which would succeed them? or did he suppose that the fact of voting 300,000L, or 500,000L for public buildings would bind the parliament that was to succeed (sic) them at the next general election. It was quite clear that the question of a permanent Seat of Government had never been before the country at any election. Other issues being raised at all the previous elections, and until the country had expressed its opinion, they should not attempt to settle it. He would therefore vote for the amendment.<sup>174</sup>

MR. GOULD, in supporting the amendment, considered that it would be better to ascertain by [an]other two years' experience whether the union was likely to continue before this question was settled. There seemed in his estimation a strong and growing desire for the dissolution of the Union, and in the event of that<sup>175</sup>, no permanent seat of Government would be required<sup>176</sup>. He would rather vote money for good public buildings, both at Quebec and Toronto; so that if the Union was dissolved, there might be suitable buildings for each section of the Province. Considering the relations of Great Britain with the States, and considering the way in which a former Parliament had been treated at Montreal, he could not support removing from Toronto to that city. When Parliament did leave Toronto, he would rather that it should go to Quebec than to Montreal.<sup>177</sup>

MR. COM. PUB. WORKS LEMIEUX supported the present alternating system, and<sup>178</sup> corrected certain mis-statements in the statistical statement of Mr. Loranger.<sup>179</sup> [He] justified the return he had laid before the House in answer to the address for information on the cost of removal.<sup>180</sup>

MR. AT. GEN. DRUMMOND said it was quite obvious that this amendment had been moved with a view to postpone the consideration of this question out of deference to those hon. gentlemen who are in favor of this nomadic system. It was not the intention to discuss the question either in its moral or political bearings, although these were vast and various<sup>181</sup>. Any lengthy discussion would be merely playing the game of those gentlemen who were wishing to continue a system that had exposed the Province to the ridicule of the whole world. He would confine himself to a few details, showing the cost of the system. He was willing to blot out the past, and to refrain from alluding to the deplorable events which had led to that system, the like of which was not to be found in any country deserving to be called a country.<sup>182</sup> His friend from Toronto had called for estimates and had challenged this enquiry, but he knew that if the estimates were once made to show the cost of the nomadic system it would end--no man would dare support it before his constituency.<sup>183</sup> The hon. member for Toronto held up his hands in holy horror at the expenses of fixing a permanent seat, but he did not shrink from the expense of 120,000L every four years, of removal from one place to another<sup>184</sup>--money absolutely thrown away for this alternating system. The honorable gentleman wished to postpone this question until the Government



brought in a statement of the probable expense of buildings at the various places named in his motion; but how did he expect a govern[ment] divided as they were-- (laughter)--how did he expect a Government united upon all other things, but divided upon this to bring in a report of the costs of such buildings?<sup>185</sup> Could the house rely on the Government, as now constituted, to give it?--<sup>186</sup>

Hear, hear from the Opposition, and laughter.<sup>187</sup>

[MR. AT. GEN. DRUMMOND continued:] They would have to start off in the holidays, each to some separate place, and ascertain the expense, or appoint separate engineers to do so.<sup>188</sup> The present motion was plainly, only intended to throw the matter over for the year--in other words, to prevent anything from being done till the time came when nothing could be done.<sup>189</sup> And were there no expenses for buildings that would be required under the present system? These buildings in which they now were a breath of wind could hurl into the lake, a match thrown in would speedily wrap them in flames.<sup>190</sup> But when they compared the expense of erecting suitable buildings with the expense of this nomadic system, he was sure they would be convinced that the country would be a saver three times over by a permanent Seat of Government. The expense of the mere transport of the property to Toronto and the extra rents begin[n]ing to be paid was 120,000L, which was an expenditure of 30,000L a year, representing a capital of 500,000L. Then for that expense they had no Government House, no Parliament Buildings fitted to receive the Government officers, or the representatives of this great and growing country.<sup>191</sup> If the system were continued it would be necessary to build both at Toronto and Quebec, at an expense of at least 300,000L. And could any man go before his constituents and justify that expenditure, when one set of buildings would suffice, that would do honour to the country, at an expense of 150,000L. He did not understand why the hon. member for Toronto should set the Government on a roving commission to enquire as to the expense of building in all those cities--Toronto, Kingston, Montreal, Quebec and Ottawa.<sup>192</sup> Here was the simple question, should there be a system continued which in its capital stock and its periodical expenses would represent eight hundred thousand pounds, or a system adopted which would come to no more than one hundred and fifty thousand<sup>193</sup>. If the country could get rid of this incubus of 800,000L they would willingly consent to pay 150,000L or 200,000L to get proper buildings erected. He had said nothing of the additional travelling expenses of the members, but it was a fact that<sup>194</sup> the additional travelling expenses alone of coming to Toronto and Quebec, instead of Montreal or Ottawa, were no less than 1100L per annum.<sup>195</sup>

MR. COM. CR. LANDS CAUCHON.--That expense would be the same for all the places.<sup>196</sup>

MR. AT. GEN. DRUMMOND.--The hon. member for Montmorenci says this expense would be always the same, but he is mistaken. The aggregate distance travelled by the members to reach Quebec, is 44,288 miles; average, 342½. The distance to Montreal, 30,735 miles; average, 236½. The aggregate to Toronto, 40,330 miles; average, 310½. To Ottawa, 33,465 miles; average, 257½. He had made no calculation for Hamilton or Kingston, because one would be close upon Toronto, the other would be close upon the Ottawa. He trusted therefore that those hon. members in favor of a permanent seat of Government would not allow themselves to be led away to vote for this amendment, which had no other object in view but to throw the consideration of this question over for the Session.<sup>197</sup> And was it not trifling with hon. members to have a call of the House to consider this question, and then to postpone the consideration of it?<sup>198</sup>



MR. POULIOT.--J'ai donné toute mon attention, M. l'Orateur, aux arguments des députés en faveur de la permanence du siège du gouvernement et tandis que le principe dans l'abstrait me paraît digne d'approbation, je vois dans la mise en pratique plusieurs motifs qui me portent à repousser la motion principale. Supposons, M. l'Orateur, que nous ayons une guerre avec les Etats-Unis, (oh! ah! hear! why! cris, à l'ordre! Oh bah!<sup>199</sup>)

MR. RANKIN fait un signe d'approbation.<sup>200</sup>

[MR. POULIOT:] Quand je suppose une pareille éventualité, M. l'Orateur, je ne suis pas, après tout, si éloigné de la probabilité! Eh! bien, dans le cas d'une guerre avec la république voisine, ne serions-nous pas fâchés d'avoir encouru de grandes dépenses pour établir à jamais le siège du gouvernement dans les murs de Toronto, ou de Montréal, ou même de Bytown, ce petit Gibraltar américain? N'aurions-nous pas à nous réfugier dans Québec? C'est pourquoi je maintiendrai mon vote de la session dernière.

La député de Haldimand parle toujours des Canadiens-Français dans les termes les plus insolents. Qu'il trouve un jour trop d'imitateurs et certainement cette Union des provinces sera brisée (oui, oui! écoutez.<sup>201</sup>)

MR. MACKENZIE rit de satisfaction<sup>202</sup>.

[MR. POULIOT:] Et dans ce second cas, ne regretterions-nous pas aussi d'avoir élevé des bâtiments pour un gouvernement qui cesserait d'exister? Enfin--et j'arrive à mon plus puissant argument. (Voyons! hear! order!) Il est assez probable que le Parlement Impérial se décidera à réunir toutes les provinces britanniques de l'Amérique pour en faire une confédération et le seul point central digne de devenir la capitale de cet empire n'est-ce pas Québec? (Oui! oui, rires.) J'ai aussi une raison personnelle pour repousser la motion. Cette raison, je la puise dans mon honnêteté. Deux parties de la province se sont promis solennellement de s'aider mutuellement pour avoir chaque 4 ans le siège du gouvernement au sein de leurs populations respectives. La seule chance que nous ayons de voir l'administration venir s'établir de nouveau chez nous, c'est de rester fidèles à la promesse faite aux représentants de l'Ouest de la province. (Oh! Ah! à la bonne heure!) Voilà pourquoi je voterai contre la motion.<sup>203</sup>

MR. POWELL said the question was one of so much importance, that he felt justified in speaking on it a second time. To judge from the fate of an Address which passed this house last week, and after what had been said by the Attorney General, he did not think that agreeing to the motion of the learned member for Toronto would have very much effect. He did not attach any weight to the argument against a permanent Seat of Government, founded on the instability of the Union. He regretted that expressions of doubt about the stability of the Union should go forth from this house, but he believed that the people generally throughout the Province were not dissatisfied with it<sup>204</sup>, that a strong feeling prevailed in the public mind that the Union was not only good but necessary.<sup>205</sup> The experience of every intelligent country would lead to the adoption of a permanent system. There might not be sufficient patriotism in the House to carry out the permanent system, but there could be no doubt of the opinion among intelligent people.<sup>206</sup> Was not a cry got up for a Repeal of the Union in Ireland? Had there not been a cry for a dissolution of the Union between the Northern and Southern States? But there had never, either in the Imperial Parliament, or in the United States Legislature, been any attempt to legislate with reference to those distant probabilities. The learned member for Toronto spoke

of a war with the United States. He thought there was little prospect of a war, but if it should occur, the Government would not be safe for 24 hours in Toronto. It would only be safe in Quebec or in Ottawa<sup>207</sup>--the two impregnable places of Canada.<sup>208</sup> (Laughter.) Gentlemen, ignorant of geography, might laugh, but he could tell the house that Ottawa was capable of being made the Gibraltar of Canada. The member for Toronto spoke of keeping faith with Quebec. But what guarantee had he that he would be representative of Toronto at the end of the four years? Such an argument should not prevail with Lower Canada members.<sup>209</sup> He warned the member for Quebec that whenever the question [would] come again here to remove to Quebec the feeling of the House would be against removal. It was safer for them to take the firm tone of the member for Haldimand, who frankly said that the air of Lower Canada did not suit the Upper Canadian Legislators.<sup>210</sup>

MR. BROWN said he was sure the House must have been very much amused while listening to the different speeches in this debate. It was very remarkable that the members who had taken the side of his hon. friend from Glengary had all spoken of what they called the principle of the question. They were all guided by pure and immaculate principle. (Laughter.) Not one word did they utter about interest. But it was a very peculiar circumstance that all those gentlemen who stuck so closely to principle, came from one particular spot. The Attorney General East was from Montreal. The hon. member from Mississquoi was from Montreal. His hon. friend beside him (Hon. J.S. Macdonald) lived very near Montreal, and always had been in favour of Montreal as the Seat of Government; the hon. gentleman who had just spoken also came from near Montreal. In fact almost every hon. member who had spoken either to-night or at Quebec in favour of this great abstract principle, was living either in Montreal or round about it.<sup>211</sup>

A member.--Not the member for Waterloo (Mr. Ferrie.)<sup>212</sup>

MR. BROWN.--Very true; and it was to address a few words to his hon. friends from both ridings of Waterloo, and to other Upper Canadians holding their views, that he had risen. He was sure that if they would only consider the matter in the true light, they would take a different view of the question. They all knew that the real issue was not as put by his hon. friend from Glengary, whether they should fix a permanent Seat of Government. It was not a mere question of abstract principle, independent of locality, but the real question put to-night and which they would have to decide by their votes was, whether Montreal should be the permanent Seat of Government. (Loud cries of hear, hear.)<sup>213</sup>

MR. PROV. SEC. CARTIER.--The place has not been named.<sup>214</sup>

MR. BROWN.--Ah, the place has not been named, says the hon. Secretary, and he also is from Montreal. (Laughter.) It was quite true, and many hon. gentlemen felt it, that the abstract principle of the propriety of having a fixed Seat of Government was one which there was some difficulty in getting over. He readily admitted that. He knew that every member of this House if called to vote on abstract principles would say that there should be a fixed Seat of Government.<sup>215</sup>

MR. YOUNG.--That is exactly the question.<sup>216</sup>

MR. BROWN.--Another hon. member from Montreal--(laughter,)--says that that was exactly the question. But there were other considerations to be weighed. In this Province they had two races, two languages, two systems of religion, two systems of

almost everything. (Hear, hear.) Now the question arose, whether if they took the Seat of Government into the midst of one section of the population and kept it there permanently to the injury of the other section, whether it was possible to do that and give satisfaction to the whole. (Hear, hear.) That was the question. He was quite sure they could not carry on the Union, if they took the Seat of Government permanently to Lower Canada. He supposed also that honourable gentlemen from Lower Canada would say that it would be impossible to carry on the Union if Toronto was made the permanent seat of government. The question was full of difficulty, and it was fortunate that the House was not called on to solve it to-night. The only question with the House now was whether they should to-night, immediately on getting to Upper Canada, before they had well got into their seats, before they had had time fully to consider the matter--whether they should now proceed to pronounce against the present system, and select Montreal as the permanent seat of government. He wished hon. gentlemen to understand that it was a vote between Montreal and every other place. If his hon. friend from Glengary carried his motion, and committed the House to the general principle, his next motion would be that Montreal should be the permanent place.<sup>217</sup>

MR. J.S. MACDONALD.--No!<sup>218</sup>

MR. BROWN.--If his hon. friend did not move it, some other Montrealer would do it for him. (Hear, hear.) Then an amendment would be moved in favour of Toronto and that would be lost. Another amendment would be moved in favour of Kingston, and that also would be lost.<sup>219</sup>

MR. A. DORION (Montreal).--Why?<sup>220</sup>

MR. BROWN.--Why? Because we know there is not one member from Lower Canada who will give his vote either for Toronto or Kingston.<sup>221</sup>

MR. PAPIN.--You only fancy so!<sup>222</sup>

MR. BROWN.--Another Montreal gentleman! Will that hon. member give his vote for either Toronto or Kingston? It was true that the Attorney-General had said all along that he was in favour of Bytown. The hon. member for Vercheres also would probably say he was in favour of Bytown, and so would other Montreal gentlemen, who were perfectly aware that Bytown had not a ghost of a chance. They said in effect to the Ottawa gentlemen--"We will vote for you in the first place, and you will vote for us afterwards." They expected in that way to bag all the Ottawa votes, and no doubt would succeed. (Hear, hear.) And if the motion of his hon. friend from Glengary was adopted, of course the Quebec gentlemen would try for Quebec first, and failing that they would go for Montreal. There was not one member of the House who came from east of Montreal, who would not give his second vote for that city.--The result of it would be, that the whole Lower Canada vote would be concentrated on Montreal, and they would get the vote also of the hon. member for Glengary, the hon. member for Stormont, the hon. member for Cornwall, the hon. member for Russell, the hon. member for Ottawa, and a good many other members from Upper Canada. There could, therefore, be no doubt that if his hon. friend's motion was carried to-night, the Seat of Government would go to Montreal permanently. (Hear, hear.) Let no hon. gentleman misunderstand that. If the House considered that Montreal was ... the most suitable locality, they would vote down the motion of the hon. member for Toronto; but if they were not in favour of going there permanently, then they should carry that motion. Now it might be all very well to have a permanent Seat



of Government and that Montreal should be that Seat; but he wished to put it to the Reform members of Upper Canada whether they were prepared to vote for Montreal as the Seat of Government, and to take the House away down there under all the influences of Lower Canada, at the same time that they were denied Representation by Population. (Hear, hear.) Was it not bad enough to have it under Lower Canada influences for four years, even though it was here for a like period, while they were refused equal representation, and were not placed on a level with Lower Canada? But while denying a just share of representation to Upper Canada, to add to this by sending the Seat of Government permanently to Lower Canada was an injustice which the people of Upper Canada never would and never ought to submit to. (Hear, hear.) That was the true position of the question, and until equal justice was done to Upper Canada; until one man in Upper Canada was held to be equal to one man in Lower Canada; until the electors of the two sections of the Province stood on the same footing, the proposal for settling the Seat of Government permanently in Montreal was adding insult to injury. At all events it should not be done till there was an appeal to the people, as his hon. friend from Wellington had suggested. It was clear that this Parliament could not last another session.<sup>223</sup>

Expressions of dissent from the Ministerial benches.<sup>224</sup>

[MR. BROWN:] Hon. gentlemen might cry no! but it was clear from the constitution of parties in the House that it was impossible to go through another session. It was very doubtful if they could get through this. (Hear, hear.) It was only the other night that they had been within an ace of dissolution. (Hear, hear.) There could be no doubt that there would soon be a general election. And if hon. gentlemen intended to do justice to Upper Canada and to the whole people of Canada, then he would say that they ought to wait till next session before deciding this question. Hon. gentlemen said there would be no time to erect the necessary buildings. But surely it was possible to erect Parliament buildings in a less period than three years. It took less than one year to get them ready in Toronto. It would not be prudent to push the question just now. It might be that by [the] next election the feeling of the people of Upper Canada might be such that unless they got Representation by Population, there would be no resisting a dissolution of the Union. (Hear, hear.) He knew there was a great desire on the part of the people of Upper Canada to maintain the Union, but he was sure there was no desire to maintain it on principles of injustice to Upper Canada, and they should pause before taking a step which would increase the evil now complained of. The question should not be treated as a mere matter of pounds, shillings and pence, and Upper Canadian members would not be doing justice to their constituents, if they sanctioned that by their votes. (Hear, hear.)<sup>225</sup> He hoped ... the motion of his hon. friend for Toronto would receive the favorable consideration of the House.<sup>226</sup>

MR. J.S. MACDONALD said he wanted no better argument than that furnished by the hon. gentleman who had just sat down. He had said the atmosphere of Lower Canada did not agree with Upper Canadian legislators; he had called on Upper Canadians to prevent the Government being sent to Lower Canada, yet Quebec people were voting with him hoping to get it back again there. The next speech on the next amendment, cut and dried by the hon. member, would no doubt be a hash and rehash of argument[s] he had used many times about separate schools and the evils of Lower Canada influence; yet some Lower Canadians hoped the perambulatory system would be kept up by the hon. gentleman. He never saw him in such a state of excitement as on this question, and no doubt he considered the retaining of the Seat of Government in Toronto of immense consequence. The day of removal would be the day to raise a cry

of a dissolution of the Union by men who were influenced by sectional views; but the country would not listen to them.<sup>227</sup> The hon. member for Lambton had asserted that all the gentlemen who had spoken against the motion of the hon. member for Toronto, had spoken from principle. Now he would like to know what motive the hon. gentleman himself spoke from. (Laughter.) Not from principle, at all events, if they were to credit himself.<sup>228</sup> He always professed to go for principles but to-night he abused him (Mr. McD.) for acting on principle. He had last session after he had failed to carry Montreal or Bytown, voted for Quebec, for he had always acted [with] consistency against the perambulatory system, but catch the Hon. member for Lambton voting for the return of Government to Quebec. In four years they could no more remove the Seat of Government from Toronto than they could establish it at Quebec, and thus delays were for the purpose of fixing at Toronto.<sup>229</sup> By delaying the decision of this question to another session, the same difficulties, and still greater ones will stand in the way. It will be said as now that the atmosphere of Lower Canada is not favorable to Anglo-Saxon legislation--a different language is there spoken.<sup>230</sup> The Hon. members would be just as unwilling to take the matter into consideration next session as this. They would then urge the same measure, and put the decision off to grant time for Toronto.<sup>231</sup> In conclusion, the hon. gentleman expressed a hope that the amendment of the hon. member for Toronto would not be carried.<sup>232</sup>

MR. WILSON thought they lived in a most extraordinary time. It was not, however, the proper time for the consideration of the question then before the House; and he hoped it would be postponed for at least another Session.<sup>233</sup> The Government ought to have made this a Government question--at least they should appeal to the country on it. It is a question in which the country is interested. Sound policy demands that there should be a permanent Seat of Government, but sound policy does not require that this fixed place should be decided to-night or to-morrow. The hon. member for Montreal (Mr. Holton) wishes it for Montreal, but<sup>234</sup> those who knew Montreal in 1849, and had known it before and since, knew that it was anything but a fit place<sup>235</sup> for such a purpose. Hon. members speak of breaking faith with Lower Canada, but they should remember that Lower Canada first broke faith with Upper Canada, for at the Union it was well understood that Upper Canada was to have the permanent Seat of Government. The country should, however, have an opportunity of expressing its views on this question. Let the Government appeal to the country on this point, and stand or fall by their decision.<sup>236</sup> The question was now whether it was to be in Montreal or no, and he should vote against it.<sup>237</sup>

MR. MARCHILDON.--Je crois fermement, M. l'Orateur, que les membres du Haut-Canada qui ont voté, l'année dernière, en faveur du système ambulatoire, n'étaient mûs que par le désir de voir le gouvernement aller s'établir parmi eux. (Vraiment! qu'en savez-vous? Ecoutez donc.) Aujourd'hui, étant au comble de leurs vœux, ils ne veulent point entendre parler de la question. Laissez-nous tels que nous sommes, disent-ils. Très bien! L'année prochaine, s'ils voient qu'il y a une belle chance en faveur de Toronto, ils croiront le moment favorable de reprendre cette discussion, sinon ils nous renverront à la session prochaine.

Il est temps, néanmoins d'en finir. Le système actuel ne profite en réalité qu'aux propriétaires des steamboats et autres gens de cette classe; mais il est ruineux pour le reste de la population. Les pauvres fonctionnaires, entr'autres, sont les victimes de mille tribulations qu'il serait trop long d'énumérer. Ils ne peuvent pas faire la moindre économie, désapprennent quelles sont les douceurs du foyer domestique (très bien) et ne doivent pas songer sans terreur à cet âge où les infirmités leur rendant le travail impossible, ils se trouveront privés de tous moyens et d'amis intimes, grâce (sic) toujours à ce système ambulatoire. Ne

serait-ce que pour cette raison que je voterais contre l'amendement et en faveur de la motion. J'espère que tout député qui a à coeur les vrais intérêts du pays en fera de même.<sup>238</sup>

DR. MCDONALD (Cornwall) did not approve of the perpetuation of this disgraceful system of perambulating parliaments<sup>239</sup>. [He] was satisfied, from what had fallen from hon. gentlemen who had spoken, that there was a wish to perpetuate the system.... All considerations which ought to actuate men of honor and integrity seemed to be set entirely aside when those gentlemen had to carry out their selfish views. (Order.)<sup>240</sup>

MR. SICOTTE the SPEAKER rose and called the hon. member to order, as he could not be permitted to impute selfishness as the principle actuating members.<sup>241</sup>

DR. MCDONALD continued. It did appear to him that hon. gentlemen were too much disposed to perpetuate the wretched system of a perambulating Parliament, and he ventured to say that the cost would amount to a sum little less than three millions of dollars annually<sup>242</sup> [OR] great expenses had attended this perambulating system, the removal to Toronto having cost nearly \$300,000<sup>243</sup>; and indeed, if all were taken into account, a sum of 600,000 to ... 700,000L would have to be expended, and while the funds of the Province were so spent, it was most unjust as they would be much more profitably employed in opening up roads, in settling the unoccupied lands, in assisting emigrants who were willing to occupy them--which would open up the Province. Such a course would be much better than having sunk tens of thousands of pounds in taking our Parliament from place to place. He was also of opinion that the Government of the day ought to take this matter up, and take upon themselves the responsibility of fixing upon a permanent locality.<sup>244</sup> This they have not seen fit to do. And when we see the unprincipled manner in which the coalition originated and in which it exists,<sup>245</sup> [and] considering the vast amount of pains which they had to retain their places, it was not so much to be wondered at that they had not taken upon themselves that responsibility, but it was obvious that until the present or some future Government, would take up this question as a Government measure, there were no probability of the question being finally settled. For himself, he (Mr. McD.) was fully determined to go for a permanent Seat of Government.<sup>246</sup>

MR. STEVENSON said he felt quite disposed to make known his views upon this question, as he was very desirous of seeing a permanent Seat of Government established.<sup>247</sup> [He] agreed with the member for London that the whole object of this motion was to fix the seat of Government in Montreal. He would use no circumlocution. He thought a permanent seat of Government best, and the perambulatory system was unnecessary. But he was not in favor of Montreal.<sup>248</sup> At the time of the Union it was arranged that the Seat of Government was to be in Upper Canada, and Lord Sydenham not only fixed it there, but afterwards expressed his satisfaction with its locality at Kingston. And all the burnings, and losses, and expenses, which had subsequently taken place, arose from the misfortune of the removal from Kingston. He (Mr. S.) was of opinion that no resting place would be found until Parliament was taken back again to Kingston, and that the House had better at once agree for it to go back there. It certainly could not remain in Toronto.<sup>249</sup> He was satisfied to continue the present system for twenty years if necessary, rather than have the seat of Government fixed anywhere than at Kingston.<sup>250</sup> He should therefore vote for the present amendment or any other for putting the question off for the present, for if it came to a vote at present no place would be fixed upon but Montreal, and it was not at all desirable that it should again be taken there.<sup>251</sup>



DR. CLARKE had listened with considerable attention to the arguments which had been made use of. Some of the members opposite had discussed the expenses which had been incurred, and one hon. gentleman [Mr. Loranger] had dwelt at some length upon the amount which had been expended upon a particular door on his side of the House, but the question may very naturally be asked, why should not the door on that side of the House have something done to it the next session? As to the 700L which the same hon. gentleman had complained of as having been expended on the House since it had been occupied, he (Dr. C.) was of opinion that the money had been well laid out for the present Parliament or any future one that may require it, and even if the Union was dissolved, it would be available for the Upper Canada Parliament. The member for Toronto had asked honorable members not to vote upon this question at present, so that the House may first ascertain what it will cost to build a permanent Seat of Government, but it appeared that those hon. gentlemen did not want the House to have time to make that enquiry, but wish the decision to be taken at once.<sup>252</sup> [He] wished to have more time given to examine the cost of buildings, &c. He felt justified in withholding his decision from any location as a seat of government until the cost had first been counted.<sup>253</sup> He would say to all, withhold your vote until you see what it will cost to erect buildings for a permanent Seat of Government. Upper Canadian members should well consider this question, as their constituents would have to pay two-thirds of the expense. He (Dr. Clarke) was of opinion that Montreal was more liable to attacks internally and externally than any other city of the Province, and it was his opinion that the destruction of the Parliament buildings there was by design and not by accident.<sup>254</sup> He thought that Ottawa might be made as impregnable with comparatively trifling expense<sup>255</sup> [OR] Bytown might in time be made a Gibraltar--quite impregnable--but it would take time.<sup>256</sup> All that was now sought was time to consider of the most desirable place for a permanent Seat of Government, and for his own part he felt at present disposed to vote for Quebec, as it had one great advantage, that of being the best position for defence, and it was obvious that the House was not in a position to vote to-night to fix it permanently and even if the House did thus fix it hastily the next Parliament may alter it.<sup>257</sup> He thought it was a matter of importance to consider whether our successors might not make all these projected improvements, and what measures can possibly be taken for permanently fixing the seat of Government.<sup>258</sup> He did not consider that Upper Canada was entitled to have the Seat of Government more than Lower Canada, for at the time of the Union they had a Seat of Government in Lower Canada and he (Dr. C.) was of opinion that it would be found that Lower Canada would be cheapest in th[e] end, and would save us an outlay of from 200,000L to 300,000L, and such an outlay at the present time would be highly injudicious.<sup>259</sup>

MR. FOLEY said it became them to do the best they could for the removal of the evil of alternating Parliament.<sup>260</sup> He voted for the removal of the Government to Toronto, but he would deny having any intention of being committed to the alternate system. He was in favor of a permanent seat of Government, yet he wished to count the cost. He believed that, throughout the Provinces, the people were in favour of a permanent location.<sup>261</sup> He did not agree in a war view. He did not hold that the fixing of the seat of government elsewhere than in Quebec would be a breach of faith with Lower Canada. The Lower Canadians were never parties to any such contract.<sup>262</sup> He confessed himself decidedly in favor of fixing the Seat of Government in Upper Canada.<sup>263</sup> He hoped for a reconsideration of the matter from the Government. If they refused to give the estimates, he hoped the House would appoint a Committee, and do it for themselves.<sup>264</sup>

MR. AT. GEN. J.A. MACDONALD would wish to explain his reason for voting for the amendment. The effect of the motion for a permanent Seat of Government would be to fix it in Montreal. And as he thought at this moment there were few places less proper for a permanent Seat of Government than Montreal, he would, therefore, vote in favour of the amendment, and against the original resolution<sup>265</sup>, in order to postpone the decision to some more convenient period.<sup>266</sup>

MR. LARWILL said it was astonishing how much great men talked and yet how little they managed to say.<sup>267</sup> [He] spoke in favour of alternating Parliaments, and considered a dissolution merely a question of time--on the ground of the essential difference of races--negroes being the same when the Pyramids were built as they are now.<sup>268</sup> [He] said he should vote for the amendment,<sup>269</sup> [but] if a permanent seat was chosen he would vote for Quebec, on account of the beauty of the ladies.<sup>270</sup>

MR. O. FORTIER (de Bellechasse.) Quelle que soit notre bonne volonté, M. l'Orateur, notre désir de vivre en bonne intelligence avec les habitants du Haut-Canada, on ne saurait se dissimuler que l'Union des deux provinces est excessivement précaire; (Ecoutez) et--je me hâte de le dire--le désir de la voir cesser est peut-être aussi fort chez un grand nombre de Canadiens-Français que parmi les partisans des députés de Lambton et de Haldimand. (hear!) En présence d'une pareille éventualité, serait-il bien sage de se mettre à préparer une habitation pour un gouvernement qui, avant qu'elle fût terminée, aurait probablement cessé d'exister? Contention-nous du système temporaire.<sup>271</sup> It did Lower Canadians good to come to Upper Canada, and he thought Upper Canadians could not complain of their treatment in Lower Canada.<sup>272</sup> Je ferai appel à la bonne foi des députés du Haut-Canada. Ils savent avec quelle franchise, pendant la session dernière, nous avons voté de concert avec eux. Je ne pense pas qu'ils aient si mauvaise mémoire et qu'ils nous abandonnent aujourd'hui, qu'ils oublient leurs promesses. (Entendez-vous? Here is the rub!) Qu'ils votent donc avec nous pour l'amendement, s'ils veulent qu'à notre tour, nous restions fidèles à nos engagements. (applaudissements et murmures moqueurs.)<sup>273</sup>

The house then divided on Mr. Cameron's amendment<sup>274</sup>.

(159)

*The Honorable Mr. Cameron moved, seconded by Mr. Stevenson, and the Question being put, That the further consideration of this Question be postponed until such time as the Government shall be prepared to submit to this House a Statement of the estimated expenditure for the erection of the necessary Public Buildings at Toronto, Kingston, Ottawa, Montreal, and Quebec; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Alleyn, Biggar, Bowes, Brown, Cameron, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Clarke, Conger, Cook, Daly, Dionne, Evanturel, Fergusson, Foley, Octave C. Fortier, Fournier, Frazer, Freeman, Gamble, Gould, Hartman, Jackson, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Mackenzie, Matheson, Meagher, Merritt, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, O'Farrell, Polette, Pouliot, Price, Rhodes, Robinson, Roblin, Rolph, Solicitor General Ross, James Ross, Scatcherd, Solicitor General Smith, James Smith, Southwick, Spence, Stevenson, Taché, Wilson, and Wright.--(63.)*

NAYS.

Messieurs Bell, Bourassa, Brodeur, Bureau, Burton, Cartier, Church, Cooke, Crawford, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Thomas Fortier, Galt, Guévremont, Holton, Huot, Jobin, Labelle, Laberge, Laporte, Loranger, Lyon, John S. Macdonald, Roderick McDonald, McCann, Marchildon, Masson, Mattice, Mongenais, Papin, Patrick, Poulin, Powell, Prévost, Rankin, Sanborn, Shaw, Sidney Smith, Somerville, Terrill, Thibaudeau, Turcotte, Valois, Whitney, Yeilding, and Young.--(58.)

*So it was resolved in the Affirmative.*<sup>275</sup>

MR. POWELL moved that the House do now adjourn. They had seen how the opinions of half the members could change, and if a short time was given them for reflection they might change again<sup>276</sup>--

MR. SICOTTE the SPEAKER.--Order, order.<sup>277</sup>

MR. POWELL.--Am I not in order Mr. Speaker?<sup>278</sup>

MR. SICOTTE the SPEAKER.--You are in order in moving the adjournment, but not to allude to the motives of hon. gentlemen.<sup>279</sup>

MR. POWELL.--I was only alluding to their reflective grounds, I regret that I should have placed reliance in gentlemen whose opinions could change so very easily. I have sacrificed a very agreeable St. Patrick's dinner that I might have enjoyed had it not been their opinions in reference to this matter.<sup>280</sup>

MR. SOL. GEN. H. SMITH said there was a call of the House for this day, and it would require to be discharged before the House adjourned. He believed the proper way would be to go to the order of the day, and then move that that call be discharged.<sup>281</sup> [OR] A call of the House having been made for to-day, and members having arrived from all parts of the country, he thought it necessary that the roll of members should be called, and that the orders of the day should be taken up for that purpose.<sup>282</sup>

MR. BROWN did not think it would be respectful to the rules of the House to break up without a reference to the call.<sup>283</sup>

MR. SICOTTE the SPEAKER said, the motion for adjournment must be disposed of or withdrawn.<sup>284</sup>

MR. AT. GEN. DRUMMOND said, so far as he understood, the consideration of the discussion of this question was adjourned until information can be brought before this house as to the cost of Government buildings at the different places named. He would pledge himself to lose no time in order to have these estimates laid before the house as speedily as possible, that some action may be taken upon them this Session.<sup>285</sup>

MR. SICOTTE the SPEAKER asked Mr. Powell if he would withdraw his motion?<sup>286</sup>

MR. POWELL.--I am not prepared to withdraw it for a single moment. I only regret that the call of the House has been so respectfully attended to.<sup>287</sup>



After some further discussion,<sup>288</sup>

[MR. POWELL] calmed down a little and withdrew his motion.<sup>289</sup>

The orders of the day were then read<sup>290</sup>.

(159)

*On motion of Mr. Solicitor General Smith, seconded by the Honorable Mr. Cauchon, Ordered, That the Orders of the day be now read. And the Order of the day for the Call of the House, being read;*

MR. SOL. GEN. H. SMITH moved, that the order of the day for the call of the House, be discharged.<sup>291</sup>

MR. SICOTTE the SPEAKER said the roll must be read.<sup>292</sup>

The Roll was then called<sup>293</sup>.

(160)

*Ordered, That the House be now called over.*

*Ordered, That the Serjeant-at-Arms attending this House do go with the Mace, to the places adjacent, and summon the Members thereof to attend the service of the House:--And he went accordingly; and being returned;*

*The House was called over, and several of the Members appeared; and the names of such Members as made default to appear, were taken down, as follow:--*

*Jean Blanchet,*

*John Egan,*

*Billa Flint,*

*Sir Allan Napier MacNab.*

*On motion of Mr. Solicitor General Smith, seconded by the Honorable Mr. Cauchon, Ordered, That the Reasons of absence of such Members as were not present at the Call of the House, this day, be taken into consideration on Monday the thirty-first instant.*

*The Order of the day for the third reading of the Bill to correct an error in the Act passed in the eighteenth year of Her Majesty's Reign, to amend and extend the Act incorporating the Champlain and St. Lawrence Railroad Company, being read;*

MR. GALT moved the third reading of the Bill<sup>294</sup>.

MR. HOLTON said he had received two telegraphs from parties deeply interested in this Bill who urged him to endeavour to get the third reading postponed until they have an opportunity of making their objections known. He was not in possession of the requisite information to justify him in opposing the Bill; but he would ask his hon. friend to delay it till after the recess, as he was not in possession of the facts to enable him to argue this question upon its merits; but the telegraph[s] he had received were from parties very deeply interested indeed in the Bill, and urging him to postpone its third reading.<sup>295</sup>

MR. AT. GEN. DRUMMOND said he had received (sic) a telegraph to-day from Montreal, from the person who represents the City and district Savings' Bank, urging the postponement of the Bill. He was inclined to think that there was a false

impression on the minds of some gentlemen in regard to the Bill of his hon. friend.<sup>296</sup>

[The] third reading [was] postponed to the 4th of April.<sup>297</sup>

(160)

*Ordered, That the Bill be read the third time on Friday the fourth day of April next.*

MR. HOLTON said that some sort of understanding should be come to in regard to the recess.<sup>298</sup>

MR. AT. GEN. DRUMMOND said he was just about to move that when this House adjourns to-morrow it stand adjourned until Wednesday week. Some hon. members were in favour of a longer adjournment, but Government were desirous to proceed with the business, and wished to make as little delay as possible.<sup>299</sup>

MR. RANKIN moved in amendment, that, when the House adjourns to-night, it do stand adjourned till Wednesday week.<sup>300</sup>

MR. BROWN asked the Attorney General East what business the Government intended to take up to-morrow night?<sup>301</sup>

MR. AT. GEN. DRUMMOND said, they would go into committee on the Legislative Council Bill, and if there was any time, Mr. Macdonald's legal bill would be taken up.<sup>302</sup>

The amendment was lost, and the original motion carried.<sup>303</sup>

(160)

*The Honorable Mr. Attorney General Drummond moved, seconded by Mr. Solicitor General Smith, and the Question being proposed, That this House will, at the rising of the House To-morrow, adjourn until Wednesday the twenty-sixth instant;*

*Mr. Rankin moved in amendment to the Question, seconded by Mr. Marchildon, That the word "To-morrow" be left out, and the words "this day" inserted instead thereof; And the Question being put on the Amendment; the House divided:--And it passed in the Negative.*

*Then the main Question being put;*

*Resolved, That this House will, at the rising of the House To-morrow, adjourn until Wednesday the twenty-sixth instant.*

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by Mr. Solicitor General Smith,  
The House adjourned.<sup>304</sup>*

APPENDIX: 17 MARCH 1856.

[WITHDRAWN MOTION RE: SECOND REPORT ON CONTINGENCIES.]

MR. JOBIN brought up the second report of the Standing Committee on Contingencies, and moved its adoption. The report says--

The system of keeping the accounts, and the departmental system of certificate adopted by the House at the last Session, on the recommendation of your committee, has proved most satisfactory.

Your committee have much pleasure in stating, that the books of the House have been kept in the most regular and satisfactory state in the department of the accountant, and have enabled your committee to effect the audit in a correct and reliable manner.

Your committee also desire to express their entire approval of the mode in which the Sergeant-at-Arms has carried into effect the new regulations, as to the order of miscellaneous articles for the House; every item has been properly vouched for by the requisition of the respective officers, and your committee do not doubt that a large reduction of expenditure has been obtained.

Your committee observe a large sum paid to special clerks of committees--which they consider an unnecessary expenditure, considering the large staff of the House, and they would recommend, that in future no special clerk of any committee be appointed, unless by authority of your committee or of your honorable House.

Your committee desire to draw the attention of your honorable House to the circumstance, that an allowance equal to two months' salary, has been advanced, by the authority of Mr. Speaker, to the several officers and clerks of the House towards defraying the expenses of their removal from Quebec to Toronto, and as they are informed that a similar allowance has been made by the Government to the officers in the public departments, your committee suggest, that if this be approved by your honorable House, a similar favor should be extended to the employees of the Legislative Assembly. At present, the advance made is considered as on account of salary, and to be re-paid if not sanctioned by your honorable House.<sup>305</sup>

MR. GALT called the attention of the Inspector General to the last clause of the report.<sup>306</sup>

MR. INSP. GEN. CAYLEY said that the advance made to the Clerks was merely on account of salary. The employees of Government were allowed a certain sum to pay the expense of their removal from Quebec, and over and above that the Clerks referred to got two months' salary in advance, such advance to be accounted for out of their salary.<sup>307</sup>

MR. J.S. MACDONALD called the attention of the House to that clause of the report which recommended that no special Clerks be appointed unless by the authority of the committee on contingencies or of the House. He deprecated the attempt to take the power out of the hands of the Speaker or of the Clerk of the Assembly. He never knew any committee on contingencies assuming to themselves such a power before, and he hoped this House would not sanction such a proceeding. He would move that the report be sent back to the committee with instructions to strike out that clause.<sup>308</sup>

MR. INSP. GEN. CAYLEY again explained in regard to the advance of two months salary, that it was only to facilitate the removal of the employees from Quebec, and was made simply on account of salary.<sup>309</sup>



MR. MACKENZIE objected to the adoption of a report of this nature without going into Committee of the Whole upon it. They discussed for days upon a mere question of a small pension, and here was a report asking them to adopt 60,000L without the slightest consideration. He did not approve of swallowing such a report en bloc, and trusted the House would not adopt it without going into Committee of the Whole.<sup>310</sup>

MR. SOL. GEN. H. SMITH said the usual practice had been to go into Committee of the Whole on Reports from the Committee on Contingencies. He could not himself vote for this Report as a whole, because it was predicated upon false premises. He would suggest to the chairman to go into committee.<sup>311</sup>

MR. JOBIN withdrew his motion with a view to go into Committee of the Whole on a future day.<sup>312</sup>

FOOTNOTES: 17 MARCH 1856.

1. GLOBE, 14 March 1856, provides a lengthier description of this petition, adding that it also prays for "the abolishing of existing restrictions in reference to the registration of vessels, the coasting trade and the navigation of the intervening inland waters, so soon as the United States place themselves upon a reciprocal footing".
2. MORNING CHRONICLE, 19 March 1856.
3. TORONTO DAILY LEADER, 18 March 1856, provides supplementary information concerning this Bill, reporting that the railroad is intended to go "between Toronto, and Saugeen, and Owen Sound, with power to connect with the Grand Trunk Railway Company at Guelph."
4. According to GLOBE, 18 March 1856, and MONTREAL GAZETTE, 19 March 1856, Mr. Cartier presented this Return, along with those that follow, after a motion by Mr. J.S. Macdonald for an Address regarding the Seat of Parliament. MONTREAL GAZETTE, 19 March 1856, then reports that Mr. Loranger made a remark concerning this Return (see footnotes 36 and 37). WESTERN PLANET, 21 March 1856, differs from these newspapers and reports that "a return came down immediately before the debate, containing a statement of all the expenses of the last removal, and the rents now paid for offices out of the government buildings".
5. TORONTO DAILY LEADER, 18 March 1856.
6. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
7. TORONTO DAILY LEADER, 18 March 1856.
8. MONTREAL GAZETTE, 19 March 1856.
9. GLOBE, 18 March 1856.
10. TORONTO DAILY LEADER, 18 March 1856.
11. MONTREAL GAZETTE, 19 March 1856.
12. TORONTO DAILY LEADER, 18 March 1856.
13. MONTREAL GAZETTE, 19 March 1856.
14. GLOBE, 18 March 1856.
15. MONTREAL GAZETTE, 19 March 1856.
16. GLOBE, 18 March 1856.
17. MONTREAL GAZETTE, 19 March 1856.
18. GLOBE, 18 March 1856.
19. MONTREAL GAZETTE, 19 March 1856.
20. IBID.
21. IBID.
22. GLOBE, 18 March 1856.
23. TORONTO DAILY LEADER, 18 March 1856.
24. MONTREAL GAZETTE, 19 March 1856.
25. GLOBE, 18 March 1856.
26. MONTREAL GAZETTE, 19 March 1856.
27. TORONTO DAILY LEADER, 18 March 1856.
28. IBID.
29. GLOBE, 18 March 1856.
30. MONTREAL GAZETTE, 19 March 1856.
31. GLOBE, 18 March 1856.
32. MONTREAL GAZETTE, 19 March 1856.
33. GLOBE, 18 March 1856.
34. MONTREAL GAZETTE, 19 March 1856.
35. TORONTO DAILY LEADER, 18 March 1856.
36. GLOBE, 18 March 1856. The reader will find the JOURNALS' reference to these Returns on pages (156-157) 778-779.

37. MONTREAL GAZETTE, 19 March 1856.
38. IBID.
39. TORONTO DAILY LEADER, 18 March 1856.
40. GLOBE, 18 March 1856.
41. TORONTO DAILY LEADER, 18 March 1856.
42. GLOBE, 18 March 1856.
43. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
44. GLOBE, 18 March 1856.
45. MONTREAL GAZETTE, 19 March 1856.
46. GLOBE, 18 March 1856.
47. IBID.
48. MONTREAL GAZETTE, 19 March 1856.
49. GLOBE, 18 March 1856.
50. MONTREAL GAZETTE, 19 March 1856.
51. IBID.
52. GLOBE, 18 March 1856.
53. MONTREAL GAZETTE, 19 March 1856.
54. GLOBE, 18 March 1856.
55. MONTREAL GAZETTE, 19 March 1856. TORONTO DAILY LEADER, 18 March 1856, differs from this newspaper and reports the following statement: "He believed from the calculations he had heard, that if the expenditure connected with the late removal were laid before them, they would find that it could not be less than 120,000L."
56. TORONTO DAILY LEADER, 18 March 1856.
57. GLOBE, 18 March 1856.
58. TORONTO DAILY LEADER, 18 March 1856.
59. GLOBE, 18 March 1856.
60. MONTREAL GAZETTE, 19 March 1856.
61. IBID.
62. TORONTO DAILY LEADER, 18 March 1856.
63. MONTREAL GAZETTE, 19 March 1856.
64. GLOBE, 18 March 1856.
65. MONTREAL GAZETTE, 19 March 1856.
66. GLOBE, 18 March 1856.
67. MONTREAL GAZETTE, 19 March 1856.
68. TORONTO DAILY LEADER, 18 March 1856.
69. MONTREAL GAZETTE, 19 March 1856.
70. IBID.
71. TORONTO DAILY LEADER, 18 March 1856.
72. GLOBE, 18 March 1856.
73. TORONTO DAILY LEADER, 18 March 1856.
74. IBID.
75. MONTREAL GAZETTE, 19 March 1856.
76. TORONTO DAILY LEADER, 18 March 1856.
77. MONTREAL GAZETTE, 19 March 1856.
78. TORONTO DAILY LEADER, 18 March 1856. MONTREAL GAZETTE, 19 March 1856, differs slightly from this newspaper and reports that Mr. Bowes stated that "200,000L would have to be expended, the interest on which would be 12,000L a-year."
79. TORONTO DAILY LEADER, 18 March 1856.
80. IBID.
81. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
82. TORONTO DAILY LEADER, 18 March 1856.
83. GLOBE, 18 March 1856.



84. TORONTO DAILY LEADER, 18 March 1856.
85. IBID.
86. GLOBE, 18 March 1856.
87. IBID.
88. IBID.
89. TORONTO DAILY LEADER, 18 March 1856.
90. GLOBE, 18 March 1856, HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856, and LA MINERVE, 5 April and 9 April 1856, all concur with the JOURNALS in their report of this division. However, telegraphic reports (MONTREAL GAZETTE, 18 March 1856, MORNING CHRONICLE, 19 March 1856, and copies) differ from these sources and report a division of 52 Yeas and 63 Nays, Mr. O'Farrell's name being reported in the Nays. Furthermore, MONTREAL GAZETTE, 20 March 1856, in an analysis of this division, also reports that Mr. O'Farrell voted against Mr. Gamble's amendment.

In a commentary, HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856, reports that "the rejection of Mr. Gamble's amendment, by a majority of nine, was a virtual recognition of the principle of a fixed Seat of Government." MONTREAL GAZETTE, 24 March 1856, reports a similar opinion and states that "an overwhelming majority are in favor of a fixed seat, but whether they can be brought to forget sectional feeling so far as to settle upon any site is quite another question."

91. TORONTO DAILY LEADER, 18 March 1856.
92. GLOBE, 18 March 1856.
93. TORONTO DAILY LEADER, 18 March 1856.
94. GLOBE, 18 March 1856.
95. TORONTO DAILY LEADER, 18 March 1856.
96. GLOBE, 18 March 1856.
97. MONTREAL GAZETTE, 19 March 1856.
98. GLOBE, 18 March 1856.
99. MONTREAL GAZETTE, 19 March 1856.
100. TORONTO DAILY LEADER, 18 March 1856.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. GLOBE, 18 March 1856.
108. TORONTO DAILY LEADER, 18 March 1856.
109. GLOBE, 18 March 1856.
110. TORONTO DAILY LEADER, 18 March 1856.
111. GLOBE, 18 March 1856.
112. TORONTO DAILY LEADER, 18 March 1856.
113. MONTREAL GAZETTE, 19 March 1856.
114. TORONTO DAILY LEADER, 18 March 1856. GLOBE, 18 March 1856, differs from this newspaper and reports the following figures: "Among the items of expense ... there were for the removal of documents and furniture 1749L, and the detailed statement of the expenses of a general nature amounted to 71,726L 3s 2d, a part being paid and a part not." MONTREAL GAZETTE, 19 March 1856, reports a rounded off figure of 72,000L.
115. MONTREAL GAZETTE, 19 March 1856.
116. TORONTO DAILY LEADER, 18 March 1856.
117. MONTREAL GAZETTE, 19 March 1856.

118. TORONTO DAILY LEADER, 18 March 1856.
119. MONTREAL GAZETTE, 19 March 1856.
120. GLOBE, 18 March 1856.
121. MONTREAL GAZETTE, 19 March 1856.
122. LA MINERVE, 5 April 1856.
123. IBID.
124. IBID.
125. IBID.
126. TORONTO DAILY LEADER, 18 March 1856.
127. LA MINERVE, 5 April 1856.
128. MONTREAL GAZETTE, 19 March 1856.
129. TORONTO DAILY LEADER, 18 March 1856.
130. MONTREAL GAZETTE, 19 March 1856.
131. IBID.
132. TORONTO DAILY LEADER, 18 March 1856.
133. IBID.
134. IBID.
135. MONTREAL GAZETTE, 19 March 1856.
136. TORONTO DAILY LEADER, 18 March 1856.
137. MONTREAL GAZETTE, 19 March 1856.
138. TORONTO DAILY LEADER, 18 March 1856.
139. GLOBE, 18 March 1856.
140. MONTREAL GAZETTE, 19 March 1856.
141. TORONTO DAILY LEADER, 18 March 1856.
142. GLOBE, 18 March 1856.
143. TORONTO DAILY LEADER, 18 March 1856.
144. GLOBE, 18 March 1856.
145. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
146. GLOBE, 18 March 1856.
147. TORONTO DAILY LEADER, 18 March 1856.
148. GLOBE, 18 March 1856.
149. TORONTO DAILY LEADER, 18 March 1856.
150. GLOBE, 18 March 1856.
151. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856.
152. GLOBE, 18 March 1856.
153. TORONTO DAILY LEADER, 18 March 1856.
154. GLOBE, 18 March 1856.
155. MONTREAL GAZETTE, 19 March 1856.
156. TORONTO DAILY LEADER, 18 March 1856.
157. GLOBE, 18 March 1856.
158. TORONTO DAILY LEADER, 18 March 1856.
159. GLOBE, 18 March 1856.
160. MONTREAL GAZETTE, 19 March 1856.
161. TORONTO DAILY LEADER, 18 March 1856.
162. MONTREAL GAZETTE, 19 March 1856.
163. TORONTO DAILY LEADER, 18 March 1856.
164. LA MINERVE, 5 April 1856. The newspapers which report this speech all differ in their account of the figures quoted by Mr. Ferres. GLOBE, 18 March 1856, reports the following statement: "There had been an expenditure of 225,000L on removals, and not only that capital, but the interest of it, 13,500L, was sunk for ever." MONTREAL GAZETTE, 19 March 1856, reports that Mr. Ferres stated: "It was said that to build a new Seat of Government would cost 12,000L a-year, but in spending capital, interest was spent too, as 250,000L had been spent on

removals. There was a charge of 13,000L a-year interest on nothing at all". TORONTO DAILY LEADER, 18 March 1856, simply summarizes Mr. Ferres' concluding statement, to the effect that "the hon. gentleman went on at some length to show that the expense incurred by the alternate removal, was money sunk while the money expended upon public buildings, would be a saving of rents and other expenses, and would be upon the score of economy preferable."

165. MONTREAL GAZETTE, 19 March 1856.
166. GLOBE, 18 March 1856.
167. MONTREAL GAZETTE, 19 March 1856.
168. GLOBE, 18 March 1856.
169. TORONTO DAILY LEADER, 18 March 1856.
170. GLOBE, 18 March 1856.
171. TORONTO DAILY LEADER, 18 March 1856.
172. MONTREAL GAZETTE, 19 March 1856.
173. TORONTO DAILY LEADER, 18 March 1856.
174. IBID.
175. IBID.
176. MONTREAL GAZETTE, 19 March 1856.
177. GLOBE, 18 March 1856.
178. IBID.
179. TORONTO DAILY LEADER, 18 March 1856.
180. MONTREAL GAZETTE, 19 March 1856.
181. TORONTO DAILY LEADER, 18 March 1856.
182. GLOBE, 18 March 1856.
183. MONTREAL GAZETTE, 19 March 1856.
184. GLOBE, 18 March 1856. MONTREAL GAZETTE, 19 March 1856, reports a different statement, as follows: "The hon. member had a holy horror of rushing into the expense of one hundred thousand pounds for putting up buildings which would be an honor to the country; but he had no horror of wasting two hundred and fifty thousand pounds every four years in removals."
185. TORONTO DAILY LEADER, 18 March 1856.
186. GLOBE, 18 March 1856.
187. IBID.
188. TORONTO DAILY LEADER, 18 March 1856.
189. MONTREAL GAZETTE, 19 March 1856.
190. GLOBE, 18 March 1856.
191. TORONTO DAILY LEADER, 18 March 1856.
192. GLOBE, 18 March 1856.
193. MONTREAL GAZETTE, 19 March 1856.
194. TORONTO DAILY LEADER, 18 March 1856.
195. GLOBE, 18 March 1856.
196. TORONTO DAILY LEADER, 18 March 1856.
197. IBID.
198. GLOBE, 18 March 1856.
199. LA MINERVE, 9 April 1856.
200. IBID.
201. IBID.
202. IBID.
203. IBID.
204. GLOBE, 18 March 1856.
205. TORONTO DAILY LEADER, 18 March 1856.
206. MONTREAL GAZETTE, 19 March 1856.
207. GLOBE, 18 March 1856.



208. MONTREAL GAZETTE, 19 March 1856.
209. GLOBE, 18 March 1856.
210. MONTREAL GAZETTE, 19 March 1856.
211. GLOBE, 18 March 1856.
212. IBID.
213. IBID.
214. IBID.
215. IBID.
216. IBID.
217. IBID.
218. IBID.
219. IBID.
220. IBID.
221. IBID.
222. IBID.
223. IBID.
224. IBID.
225. IBID.
226. TORONTO DAILY LEADER, 18 March 1856.
227. MONTREAL GAZETTE, 19 March 1856.
228. TORONTO DAILY LEADER, 18 March 1856.
229. MONTREAL GAZETTE, 19 March 1856.
230. GLOBE, 18 March 1856.
231. MONTREAL GAZETTE, 19 March 1856.
232. TORONTO DAILY LEADER, 18 March 1856.
233. IBID.
234. GLOBE, 18 March 1856.
235. MONTREAL GAZETTE, 19 March 1856.
236. GLOBE, 18 March 1856.
237. MONTREAL GAZETTE, 19 March 1856.
238. LA MINERVE, 9 April 1856. MONTREAL GAZETTE, 19 March 1856, reports that this gentleman "spoke at some length", whereas GLOBE, 18 March 1856, reports that he "expressed his views briefly, advocating the claims of Lower Canada to the permanent Seat of Government".
239. GLOBE, 18 March 1856.
240. TORONTO DAILY LEADER, 18 March 1856.
241. IBID.
242. IBID.
243. GLOBE, 18 March 1856.
244. TORONTO DAILY LEADER, 18 March 1856.
245. GLOBE, 18 March 1856.
246. TORONTO DAILY LEADER, 18 March 1856.
247. IBID.
248. MORNING CHRONICLE, 22 March 1856.
249. TORONTO DAILY LEADER, 18 March 1856.
250. MONTREAL GAZETTE, 19 March 1856.
251. TORONTO DAILY LEADER, 18 March 1856.
252. IBID.
253. GLOBE, 18 March 1856.
254. TORONTO DAILY LEADER, 18 March 1856.
255. GLOBE, 18 March 1856.
256. MONTREAL GAZETTE, 19 March 1856.
257. TORONTO DAILY LEADER, 18 March 1856.

258. GLOBE, 18 March 1856.
259. TORONTO DAILY LEADER, 18 March 1856.
260. IBID.
261. GLOBE, 18 March 1856.
262. MONTREAL GAZETTE, 19 March 1856.
263. TORONTO DAILY LEADER, 18 March 1856.
264. GLOBE, 18 March 1856.
265. TORONTO DAILY LEADER, 18 March 1856.
266. MONTREAL GAZETTE, 19 March 1856.
267. TORONTO DAILY LEADER, 18 March 1856. This newspaper also reports the following comment: "In a speech characterized by his usual humour, the hon. gentleman then proceeded to express himself in favour of the perambulating system."
268. TORONTO DAILY LEADER, 18 March 1856.
269. GLOBE, 18 March 1856.
270. MONTREAL GAZETTE, 19 March 1856.
271. LA MINERVE, 9 April 1856.
272. MONTREAL GAZETTE, 19 March 1856.
273. LA MINERVE, 9 April 1856.
274. TORONTO DAILY LEADER, 18 March 1856.
275. MONTREAL GAZETTE, 20 March 1856, and LA MINERVE, 9 April 1856, both report the division on Mr. Cameron's amendment, with names sub-divided into geographical regions. In a long commentary, LE PAYS, 25 March 1856, offers a good comparative analysis between the votes recorded today and those of last session upon the same question. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856, also reports a vote analysis, mainly based on party positions.

In their analyses of the divisions recorded on Messrs. Gamble and Cameron's amendments, MONTREAL GAZETTE, 20 March 1856, and LE PAYS, 25 March 1856, report interesting but somewhat erroneous information on the vote of several members. The correct information, according to a close analysis of the divisions reported in the JOURNALS, is as follows:

Members who voted for Mr. Cameron's amendment, but against Mr. Gamble's: Messrs. Foley, Scatcherd, Southwick, Conger, Jackson, Daly, and Murney. Member who voted for Mr. Gamble's amendment, but against Mr. Cameron's: Dr. T. Fortier. Members not present at the division on Mr. Gamble's amendment, who voted for Mr. Cameron's: Messrs. Chisholm, Fergusson, Freeman, Gould, and Roblin. Members not present at the division on Mr. Gamble's amendment, who voted against Mr. Cameron's: Messrs. Bourassa, Desaulniers, Thibaudeau, and Whitney.

In addition, LE PAYS, 25 March 1856, notes that Messrs. Bellingham and Gill, who voted against Mr. Gamble's amendment, expressly left the House in order to avoid voting on Mr. Cameron's amendment. Mr. Crysler, who supported Mr. Gamble's amendment, also absented himself from the second division, as is properly reported in LA MINERVE, 9 April 1856.

MONTREAL GAZETTE, 25 March 1856, in a short comment on Mr. Cameron's proposition, points out that "the resolution did not ask for an address to the Governor General, requesting him to obtain and send down to the House the required information, as would be the usual form. But Mr. Cameron did not want this, hence the studied informality of his motion.... As the matter at present stands, the resolution of the House does not throw upon anybody the responsibility of preparing the information required. The furnishing of that information must therefore be a voluntary act." As for MONTREAL GAZETTE, 20 March 1856, it reports the following comment: "How long is the delay asked by the House likely to last? It may be long. A guess might soon be hazarded,

but a correct estimated expenditure will require plans and specifications; and these will take time to prepare. Certainly it will take months to prepare them; and work is generally not urged on rapidly when there is interest in raising difficulties and putting [it] off."

The following newspapers also report comentaries on today's debate on the question of the permanent Seat of Government: MONTREAL GAZETTE, 17 March 1856, HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1856, MORNING CHRONICLE, 19 March 1856, MONTREAL TRANSCRIPT, 20 March 1856, WESTERN PLANET, 21 March 1856, and LE PAYS, 22 March 1856.

276. TORONTO DAILY LEADER, 18 March 1856.
277. HAMILTON SPECTATOR SEMI-WEEKLY, 22 March 1856.
278. TORONTO DAILY LEADER, 18 March 1856.
279. HAMILTON SPECTATOR SEMI-WEEKLY, 22 March 1856.
280. TORONTO DAILY LEADER, 18 March 1856.
281. IBID.
282. GLOBE, 18 March 1856.
283. TORONTO DAILY LEADER, 18 March 1856.
284. IBID.
285. HAMILTON SPECTATOR SEMI-WEEKLY, 22 March 1856.
286. TORONTO DAILY LEADER, 18 March 1856.
287. IBID.
288. GLOBE, 18 March 1856.
289. TORONTO DAILY LEADER, 18 March 1856.
290. IBID.
291. IBID.
292. IBID.
293. IBID.
294. IBID.
295. IBID.
296. IBID.
297. IBID.
298. IBID.
299. IBID.
300. GLOBE, 18 March 1856.
301. TORONTO DAILY LEADER, 18 March 1856.
302. IBID.
303. GLOBE, 18 March 1856.
304. TORONTO DAILY LEADER, 18 March 1856, reports that the House adjourned "at twenty-five minutes past 11", whereas GLOBE, 18 March 1856, reports that it adjourned "at half-past eleven."
305. TORONTO DAILY LEADER, 18 March 1856.
306. IBID.
307. IBID.
308. IBID.
309. IBID.
310. IBID.
311. IBID.
312. IBID.



TUESDAY, 18 MARCH 1856

(160)

MR. SPEAKER laid before the House,--General Statements and Returns of Baptisms, Marriages, and Burials in the Districts of Quebec and Three Rivers, for the year 1855.

For the said Statements, see Appendix (No. 19.)

Also, Statement of the Affairs of "La Caisse d'Economie Notre Dame de Québec," on the first March, 1856.

For the said Statement, see Appendix (No. 5.)

(161)

Also, Account of Disbursements of the Kingston General Hospital, for the year ending thirty-first December, 1855.

For the said Account, see Appendix (No. 4.)

And also, The Report of the Law Clerk, under the Order of the House of the 8th November, 1854; which was read, as followeth:--

To the Honorable the Legislative Assembly of Canada, in Parliament assembled:

The undersigned, Law Clerk of Your Honorable House, has the honor to make the following Report:--

In obedience to the Order of Your Honorable House, made on Mr. Gamble's motion of the 8th November, 1854,--"That the Law Clerk of this House, with such assistance as he may deem necessary, and which assistance he is hereby authorized to procure, do prepare an Index of the Statutes now in force in this Province, as full and complete, and upon the same plan, as that of the revised Statutes of Canada West; which Index shall be made and finished in time to be printed with the Statutes that may be passed during the present Session, and shall be printed and bound up with them," I lost no time in endeavoring to engage sufficient assistance in the preparation of the said index and the revision of the Statutes, which formed an essential preliminary to it. In Upper Canada I was fortunate enough to secure the services of Mr. W.C. Keele, who commenced the work immediately; but in Lower Canada I had more difficulty, and failed to find any one who was able and willing to perform the work in the time within which it was necessary that it should be done, if it was to be revised and printed at any period before the commencement of the present Session.

I soon found, also, that even if all that I could depute to another were done for both sections of the Province by the time the Statutes of the now last Session were printed, it would still be impossible for me properly to revise, correct, and print the work before the time when the next (now present) Session would probably commence. As the Index was ordered on motion of an Upper Canada Member, and the necessity for it appeared to be most strongly felt in Upper Canada, I determined to press on with the portion of the work relating to that division of the Province,--including the Statutes common to all Canada, and to leave the Lower Canada portion until after the present Session, when it will, of course, embrace the Statutes of this Session and their effect upon former Statutes; and as I have now secured an efficient and willing assistant in Mr. E.J. Hemming, Advocate, of Montreal, and as the part of the work common to both divisions of the Province will require only such correction as the Acts of this Session may render necessary, I hope to publish the Index for Lower Canada considerably earlier after the Session than I was able to publish that for Upper Canada. Indeed it is necessary that it should be ready as

early as possible, since the Lower Canada Index must be translated and printed in French as well as in English, and this necessity formed another obstacle to my publishing both parts of the Index at the same time. It may be fairly expected that Lower Canada will profit by the experience I have had.

A copy of the printed work accompanies this Report, and in the prefatory notice prefixed to it, and to which I beg leave to refer, I have stated various details which it is unnecessary to repeat here; there are, however, a few points on which some farther observations may be appropriate.

In printing the work I adopted the Octavo form, now used for the Statutes, but chose rather a smaller type, for the sake of getting more upon a page, and yet leaving an ample margin, which I hold to be absolutely necessary in a work of this kind, in which every Session must of course, make changes which persons using the Index may desire to note, from time to time, more or less fully, under the proper heads.

(162)

I thought it unnecessary to refer to the Acts cited, as being respectively Acts of Upper Canada or of Canada, because their dates sufficiently distinguish them: those prior to the 4 & 5 Vic. must be Acts of Upper Canada, and all the others, Acts of Canada.

Where it could be done without risking a confusion of figures, after the year of the Reign, the year of Our Lord is added, there being many persons to whom the latter conveys a clearer impression than the former. I found that to add the page would only create confusion; when the chapter, Reign or year, or the A.D. are known, there will be no difficulty in finding the Act in any edition.

I strongly recommend the printing and general distribution of the Tables relative to the Statutes now or heretofore in force in Upper Canada, of which Mr. Keele is now making the fair copy, intending that they shall be ready for final revision, correction, and publication, as soon as possible after the close of the Session.

I at first entertained hopes of completing them, so as to make them part of the volume containing the Index; and when I found this was not possible, I thought it might be worth while to prepare so much of them as related to Acts in force, and I had a few copies printed of the part relating to Acts passed since the Union, one of which copies I annex to this Report.

But, upon further consideration, it appeared to me that the portion relative to the Acts not in force was of still greater importance, as shewing how and when they had ceased to be so, and I therefore determined to have the Tables so prepared as to include all the Acts in force or not in force, and so as to shew, with regard to each,--the reign, year, and chapter,--whether originally permanent or temporary,--if temporary, whether continued and to what time, and by what Act or Acts, and, consequently, whether still in force or not,--and in all cases, whether any and what parts have been directly repealed or amended, and by what Act or Acts,--adding, also, as to each Act in force, references to any provisions of subsequent Statutes which might appear to have indirectly repealed, superseded, or modified any of its provisions. In fact making the Tables a brief history of all the Acts, and a brief statement of the effect of the latter upon the earlier Statutes; and affording directly the information omitted or given only indirectly in the Index.

I append to this Report a copy of similar Tables which were prepared and published by the Commissioners for revising the Statutes of Lower Canada, before publishing the revised edition of those Statutes, of which, indeed, the tables formed the basis. The classification will be unnecessary in the Tables I propose, inasmuch as it has been made in the Index already published. Tables of the same nature have been prepared and in part published, by the English Commissioners for revising the

Statute Law, as the first step in their work. They have adopted a more strictly Tabular form, in columns, but this seems ill-adapted to our own Octavo page and a fair-sized type, and even with a Quarto page and small type, much room would be lost, unless the information was of the most meagre kind. The form of printing is, however, still perfectly open to any suggestion for its improvement, and a better form than either of the two submitted may, perhaps, be devised when the work comes to be printed.

When Mr. Gamble made his motion, I was afraid that it would not be possible to complete and publish the Index, with sufficient accuracy, within the utmost time allowable,--but it has now been done; and if his original intention of renewing the Index from time to time should be carried out, every re-publication will not only be easier to effect, but will be more accurate and better in all respects than its predecessor. I could and did verify every reference so as to become responsible for the correctness of each, but it was not possible to be always sure that under each title every reference had been made which ought to be so, without an amount of labor which the time allowed did not permit, and thus it sometimes happened (as I have

(163)

stated in my prefatory notice) that something which ought to have appeared under a title earlier in the alphabet, was entered under a later title either of the same import or nearly related to it. In a future edition the same difficulty would not exist. One fact at least appears clear,--that Mr. Gamble's plan is the only one by which a Revision of the Statutes can be made and the result laid before the public, between Session and Session. Both in Upper and Lower Canada, a large portion of the revised Statutes had ceased to be in force before they were published.

A very small number of the old revised Statutes of either portion of the Province now remain in force; about two hundred pages of the present form would hold all that remain of the public general Statutes of either Upper or Lower Canada, in force at the time of the Union. The whole of the public general Statutes in force in either exclusively, would take about 1050 pages, the quantity of matter being about equal for Lower and Upper Canada; while about 950 pages would hold the Laws in force throughout the whole Province of Canada. I was much pleased to find the last class so large, and hope to see it further enlarged by embracing in it some or all of the subjects of Commercial Law.

As the Order of the House directed that the work should be distributed with the Statutes, I felt justified in authorizing its distribution in the same form and manner, and in the same number as the Statutes are distributed in Upper Canada, with a proper proportion for Members of the Legislature, and Public Officers and Departments in Lower Canada. The number requisite, I was informed by the Queen's Printer, would be 6500, and I was also informed by him that the cost of the Statutes was Two pounds ten shillings per page, for 8000 copies. At this rate, the cost of 6500 copies of the Index (say 435 pages) would be about Nine hundred pounds. This, I believe, includes composition, press-work, and paper, but not the binding, which would, of course, cost about the same as for the Statutes. I trust that the utility of the work will more than justify the expense incurred.

With respect to the remuneration to be made to Mr. Keele for his services, I had no power to name any definite rate or amount, and he was perfectly willing to leave the matter in the hands of the House. I could only assure him that he would be fairly dealt with. I now earnestly request that his remuneration may be liberal. I annex to this Report a Letter from him upon the subject, every word of which I believe to be true, and for much of which I can vouch; and I again bear willing testimony to the ability and unwearying zeal and industry with which he performed the task assigned him, and rendered me the most efficient assistance in every way.



*I annex an account of the moneys received from the Clerk, and the expenditure incurred by me.*

*Mr. Harrison I have paid in full, with the funds I drew for the purpose from the Clerk. I was only sorry that his official duties prevented him from giving me further aid, and that circumstances prevented my availing myself to a greater extent of what he did for me.*

*As regards myself I am the servant of the House; but as I believe it is intended that I shall in some shape receive remuneration for the work, I will briefly state the facts bearing upon the question. From the beginning of 1855 to the middle of August, (say seven and one-half months) I was fully occupied by my official duties, and I think that in that period, working as I did at least ten hours a-day, I may be said to have done a fair year's work. From that time to the end of January, 1856, with the exception of about three weeks lost by the removal of the Seat of Government, I was incessantly engaged in revising, improving, and printing the Index, working sessional hours and with sessional diligence, without which the work could not have been ready before Parliament met. Even as it was it could scarcely have been so, had I not during the recess of 1854, gone carefully over the Statutes for*

(164)

*the purpose of making the smaller Index which I published in the autumn of that year, and which served as a basis for the present work. The labor connected with the very important task assigned to me, was all the more wearing from the short period into which it was necessarily crowded, and from its reaching from the end of the work of one Session to the beginning of that of another, except the time actually occupied in removing to Toronto, which was assuredly no holiday.*

*With these remarks, I most willingly leave both Mr. Keele's claim and my own in the hands of the House. The Government has lately appointed Commissioners to continue and complete the revision, classification and consolidation of the Statutes, and will probably have obtained some information and adopt some conclusion which will facilitate the House in determining the compensation to which we are entitled.*

*The whole, nevertheless, humbly submitted.*

*G.W. Wicksteed.*

*Law Clerk's Office, Legislative Assembly,  
17th March, 1856.*

#### ACCOUNT.

*Sums received by the undersigned, on account of the Index, under the order of the Legislative Assembly of the 8th November, 1854:--*

*21st September, 1855.--From the Clerk.....£150*

*Sums expended for the same:--*

*12th October.--To R.A. Harrison, Esquire, in full.....£ 50*

*26th October.--To W.C. Keele's draft on account..... 100*

*To expenses of journey from Quebec to Toronto, and back in August... 10*

*£160*

*(Mr. Keele's Letter referred to in the foregoing Report.)*

*Toronto, 12th February, 1856.*

*G.W. Wicksteed, Esquire.*

*Dear Sir,--In case reference should be made to you with respect to my remuneration as your Assistant in the preparation of the Index to the Statutes in force, I beg leave shortly to recapitulate the nature and extent of my services.*

They consist of the following heads:--

1. A careful examination of all the public general Acts in order, by such examination, to satisfy myself preparatory to the Index, of the accuracy of your own manuscript notes and printed Index which you sent me, and which, by such examination, I verified and found correct, noting on each Statute every repealed or unrepealed clause or section.

2. Preparing the manuscripts of the Index to all the public general Acts remaining in force.

3. Preparing a table of all the Statutes, (public, private, and local,) in their chronological order, showing the sections of the public Acts repealed, according to the plan which you suggested.

4. Examining at your request the printed sheets of your portion of the work in order, by double revision, to insure accuracy.

5. In addition to the above I assisted in revising the proof sheets, as they came from the press, and attended numerous conferences with you in the discussion and consideration of every questionable item.

I have been constantly engaged in these duties from the time I undertook the office in November, 1854, up to the publication of the work in January, 1856, a

(165)

period of fourteen months. In the early stage of the work I was compelled to work double time in order to meet the views of the House, otherwise I could not have placed the manuscript in your hands at so early a period as I did. While the manuscript was in progress I seldom left my work before twelve at night, and I think I may fairly compute my extra time at four months, making in all a period of eighteen months of fair business hours, I have been engaged on this truly important work.

I am still engaged in transcribing and completing the table of the Statutes (No. 3,) which I hope shortly to have ready and hand to you.

I have had much pleasure in assisting you in the arduous duty assigned to you by the Legislature, and have the gratification of being assured by you that I have done so to your entire satisfaction.

It would be presumptuous in me to fix any value upon my services. I prefer leaving this entirely to the judgment and liberality of the Contingent Committee of the Legislature.

I beg leave to subscribe myself,

Dear Sir,

Your faithful and obedient Servant,

W.C. Keele.

#### DOCUMENTS ACCOMPANYING THE FOREGOING REPORT.

1. Printed Copy of the Index.
2. do do of a portion of the Tables.
3. do do of the Tables to the Statutes of Lower Canada.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Solicitor General Smith,--The Petition of George Byron Lyon, of the City of Ottawa, in Upper Canada, Esquire, M.P.P.

By Mr. Lyon,--The Petition of E.F. Loucks and others, of the Township of Russell, County of Russell.

By Mr. Lumsden,--The Petition of Jesse Delong and others, of the Township of Whitby.

By Mr. Rankin,--The Petition of John Prince and others, of the County of Essex.

By Mr. Clarke,--The Petition of the Municipality of the Township of Saugeen.

By Mr. Conger,--The Petition of Frederick Werden and others, of the Township of Asphodel; and the Petition of P. Cannon and others, of the Township of Dummer, County of Peterborough.

By Mr. Brown,--The Petition of the Reverend John McLaughlan and others, of the Township of Acton, Canada East; and the Petition of John Hutchinson and others, of the City of Toronto.

By Mr. Dionne,--The Petition of the Reverend J.B. Gagnon and others, of the Parish of St. Jean Baptiste de l'Isle Verte.

By Mr. Huot,--The Petition of Louis Vincent, (Huron) of the Parish of Ste. Agnès, County of Saguenay; and two Petitions of the Reverend A. Beaudry and others, School Commissioners of the Parish of St. Etienne de la Malbaie.

By Mr. Roderick McDonald,--The Petition of the Reverend J. Charles Quin and others, of the Township of Osnabruck; the Petition of the Reverend Hugh Campbell and others, of the Town of Cornwall; and the Petition of the Town Council of the Town of Cornwall.

By Mr. Stevenson,--The Petition of William Bentley and others, of the Township of Athol.

By Mr. Jackson,--The Petition of John Black and others, of the Town of Durham, County of Grey.

(166)

By Mr. Frazer,--The Petition of Mrs. Catherine McCappen and others, of the Township of Thorold.

By Mr. Bellingham,--The Petition of the Municipal Council of the County of Argenteuil; and the Petition of John M. Gibson, of the County Town of Lachute, Teacher.

By Mr. Patrick,--The Petition of A.V. Burritt and others, of the Southwest portion of the Township of Augusta, County of Grenville.

By Mr. Hartman,--The Petition of John Crosson and others, of the Township of King; the Petition of Joseph Hunter and others, of the Township of King; the Petition of Charles Hambly and others, of the Township of King; the Petition of Ebenezer Doan and others, of the Township of East Gwillimbury; the Petition of W.T. Aikins, M.D., and Henry H. Wright, M.D.; the Petition of Mrs. Maria Pringle and others, of the Township of King; and the Petition of David Savage and others.

By Mr. Shaw,--The Petition of Robert Douglas and others, of the Township of Elmsley.

By Mr. Freeman,--The Petition of the Reverend James Elliot and others, of the City of Hamilton; and the Petition of the Reverend George Cheyne, on behalf of the Sessions of the Presbyterian Congregations of the Townships of Saltfleet and Binbrook.

By Mr. Charles Daoust,--The Petition of the Mercantile Library Association of Montreal.

By Mr. Alleyn,--The Petition of the Quebec Board of Trade.

By Mr. Aikins,--The Petition of John Richardson and others, of the Township of Caledon, County of Peel.

By the Honorable Mr. Lemieux,--The Petition of the Reverend E. Baillargeon and others, of the Parish of St. Nicolas, County of Lévis.

By Mr. Mongenais,--The Petition of the College of Ste. Magdelaine de Rigaud; two Petitions of H. Cartier, Mayor, and others, of the County of Vaudreuil; the Petition of L. Fournier and others, of the Parish of Ste. Magdelaine de Rigaud; the Petition of the Municipality of the Parish of St. Michel de Vaudreuil; and the Petition of the Municipality of the Parish of Ste. Jeanne de l'Isle Perrot.



By Mr. Valois--The Petition of the Reverend Louis Léandre Pominville, Curé, and Pierre Charles Valois, of the Parish of St. Joachim de la Pointe Claire, Notary; and the Petition of the Reverend L.L. Pominville, Curé of the Parish of St. Joachim de la Pointe Claire, County of Jacques Cartier.

By Mr. Octave C. Fortier,--The Petition of the Literary Institute of the Parish of St. Michel, County of Bellechasse.

By Mr. Mackenzie,--The Petition of the Reverend A. Ferrier and others, of the Townships of Seneca and Oneida; and the Petition of John Montgomery, of the Township of York, Hotel Keeper.

By Mr. Powell,--Two Petitions of the Municipality of the Township of Marlborough.

By Mr. Daly,--The Petition of Mrs. Margaret Moscrip and others, of St. Mary's.

By Mr. Felton,--The Petition of E.F. Bowen and others, of the Town of Sherbrooke; and the Petition of Henry Henderson and others, of the County of Sherbrooke.

By Mr. Biggar,--The Petition of the Municipality of the Township of Burford.

Ordered, That the Petition of the Galt and Guelph Railway Company, and the Petition of the Municipality of the Village of Preston, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

(167)

Mr. Sidney Smith, from the Standing Committee on Standing Orders, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the President, Directors, and Company of the Bond Head Harbour; of Geoffry Hawkins, of the City of Toronto, Gentleman; of the Municipality of the Township of East Hawkesbury, for establishment of the original Survey of that Township; and of Edwin Larwill and A. Rankin, of the Counties of Essex and Kent, for an Act to extend the Charter of the Amherstburg and St. Thomas Railway Company, and they find that sufficient Notice has been given in each case.

On the Petition of J.P. Boomer and others, of Queenston and St. Catharines, for incorporation of a Company to construct a Railway from the Queenston Suspension Bridge to St. Catharines, Your Committee find that the Notice was published only from the third of January to the fifteenth of February, and is therefore insufficient.

On the Petition of Lionel Ridout and others, of the City of London and vicinity, for an Act of incorporation to construct a Railway from London to St. Mary's, Your Committee find that no Notice has appeared in any paper published in either of the Counties affected.

On the Petition of the Municipal Council of the County of Kent, for the separation of Euphemia and portions of Dawn and Sombra from Lambton, and annexation of the same to Kent, Your Committee find that Notice was duly published in the County of Lambton, but not in the County of Kent, and it is therefore insufficient.

On the Petitions of A. Sinclair, Reeve, and others, of the County of Bruce, praying that Malta may be made the County Town thereof, and of the Municipal Council of the County of Brant, for establishment of the disputed boundary line between Burford and Norwich, Your Committee find that no Notice has been given.

The Petition of the Reverend J. Fishburn, Pastor, and others, Elders and Members of the Evangelical Lutheran Church of Canada, for authority to the said Church to solemnize Matrimony, does not appear to Your Committee of such a nature as to require the publication of Notice.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--



Your Committee have examined the First Report of the Standing Committee on Public Accounts, and recommend that the Report be printed, but not the accompanying letters:--Estimated cost, Six pounds; and the usual number.

Also, the Return to the Address for a Statement of sums obtained by Municipalities in Upper and Lower Canada, under the Municipal Loan Fund Act 16 Vic. cap. 22, together with certain information relating thereto. This document Your Committee recommend to be printed entire:--Estimated cost, Six pounds ten shillings; and the usual number.

Also, the Return to an Address for a Copy of any Correspondence which may have passed between the Imperial and Provincial Governments on the subject of the assumption by this Province of the Canals, Lands, and other Properties belonging to the Board of Ordnance in Canada. Your Committee recommend that these papers be printed entire, with the exception of certain Extracts from Correspondence which will appear in the Letters to which they refer. Your Committee have marked these Extracts in pencil, as a guide to the Printer:--Estimated cost, Eighteen pounds; the usual number of copies.

The Petition of the Municipality of the Township of La Terrière, praying aid for a Road. Your Committee recommend that it be not printed, inasmuch as the prayer

(168)

cannot be granted without first being recommended by the Governor General.

The Petition of the Honorable Peter McGill and others, Rate-payers of the County of Ottawa, Your Committee recommend to be printed entire:--Estimated cost, One pound fifteen shillings; the number to be 300.

With reference to all Petitions ordered to be printed by Your Honorable House, Your Committee recommend that in future the number be one Copy to each Member; and after supplying the usual number to the Legislative Council and the files of the House, twenty-five Copies be given to the Member moving for the printing.

Resolved, That this House doth concur with the Committee in the said Report.

Mr. Jobin, from the Standing Committee on Contingencies, presented to the House the Third Report of the said Committee; which was read, as followeth:--

That during the present Session the indemnity to Members of Your Honorable House, as provided by the Act 12 Vic. cap. 33, be augmented ten shillings per diem.<sup>1</sup>

Mr. Thomas Fortier moved, seconded by Mr. Thibaudeau, and the Question being proposed, That this House doth concur with the Committee in the said Report;

MR. J.S. MACDONALD did not consider that they could consistently adopt that report without its having originated in a Committee of the Whole. He was not prepared to say whether the report was correct or not, but he thought it right that this House should say whether the report should be adopted.<sup>2</sup> It had been the universal practice, except in cases of emergency, to refer all reports of the kind to a committee of the whole House.<sup>3</sup>

MR. S. SMITH said that a similar report was adopted on two previous occasions during last session, and so far they had this precedent to go by.<sup>4</sup>

MR. BROWN.--What is the question?<sup>5</sup>

MR. SICOTTE the SPEAKER.--It is the adoption of the Report from the Committee on Contingencies.<sup>6</sup>

MR. BROWN.--Is it right, Mr. Speaker, to vote away a sum of this kind without going into Committee of the Whole?<sup>7</sup>

MR. SICOTTE the SPEAKER said it had not been the practice last session to refer the Reports of the Committee on Contingencies to a Committee of the Whole, as they related to the internal arrangements of the House. It was for the House to decide whether the Report should be referred to a Committee of the Whole or not.<sup>8</sup>

MR. J.S. MACDONALD did not object so much to the substance of the Report as to the course pursued. He did not think the report ought to be adopted without being referred to a committee of the whole<sup>9</sup>, so that it might be discussed and fully understood.<sup>10</sup> The House did not delegate its authority to the Committee, and it was too much to ask the House on a moment's notice to adopt the Report, especially in the absence of a large number of the members of the House, who might not be aware of it.<sup>11</sup>

MR. CASAULT concurred in this view. The House was taken by surprise.<sup>12</sup>

MR. SICOTTE the SPEAKER held that there was no rule obliging the reference. The House had always considered the simple report of the Committee on Contingencies sufficient in these matters.<sup>13</sup>

MR. S. SMITH (Northumberland) said it was all very well for gentlemen to object to members having six dollars a day, and then go and take it themselves. But he had enough boldness to vote for the six dollars before taking them.<sup>14</sup>

MR. CASAULT opposed the proposal to add to the amount allowed by law.<sup>15</sup>

MR. SOL. GEN. H. SMITH said that if this were an innovation, he should oppose proceeding with the Report, but as it was simply repeating the vote of last year, the objection did not hold good. If there was reason for making the increased allowance in Quebec, there was equal reason for making it now, and there was no use of more discussion about it.<sup>16</sup> For his part he was prepared to vote for it at once.<sup>17</sup>

MR. BROWN.--The hon. gentleman says it is no innovation, because it was voted before. But the reason for which it was voted last year was because of the special circumstances of the case--the increase in the price of living at Quebec.<sup>18</sup> [He] was not only opposed to any increase in the allowance, but to the mode in which it was sought to be effected, which he did not think was at all creditable to the House. He did not think they should occupy the position that the stipends allowed by law to members of the House should be supplemented by a vote of their own. There was an Act of Parliament in existence, settling the amount of the stipend; and if any hon. member desired to have it changed, he should introduce a bill for the purpose. But it was quite irregular and improper to set aside an Act of Parliament by a vote of this kind.<sup>19</sup>

MR. O'FARRELL.--I rise to order.<sup>20</sup>

MR. SICOTTE the SPEAKER.--What is the point of order?<sup>21</sup>

MR. O'FARRELL.--It is this--the hon. member for Lambton has no right to censure the decision which you, Mr. Speaker have given<sup>22</sup>, that it was not necessary to take the Report into Committee of the Whole.<sup>23</sup>

MR. SICOTTE the SPEAKER said he understood the member for Lambton to be discussing whether the motion should be adopted, and not the ruling of the chair. The honourable member was perfectly in order.<sup>24</sup>

MR. BROWN continued to say that he was opposed to the proposition of increasing the allowance to six dollars, in whatever way it was brought about. There were two principles on which the payment of members might proceed. One was that they should be paid their expenses--the other that they should be paid for their services. The first of these principles, he considered, was the correct one. For his own part he would not be willing to take six dollars a day for his services. A much larger sum would not compensate him for giving up a large portion of the year to his duties as a member of Parliament. The true principle they should go upon, was simply to pay the disbursements of members. Four dollars a-day would meet that, but six dollars would over-step it, while at the same time six dollars a-day in the shape of payment for services would be no adequate remuneration to a large majority of the members. He hoped the House would refuse to agree to the Report.<sup>25</sup>

MR. COM. CR. LANDS CAUCHON.--The hon. gentleman did not oppose the motion last year, and now when he is in a position in which he is not required to incur so much expense, he ought to vote the same way. He did not think \$6 a day was too much for members to come from a distance to live here.<sup>26</sup> The reason given last year for the augmentation was the immense increase in the price of food and other articles, and that increase was still greater now. If the price of food should be diminished next year, they might go back to four dollars, but everything was dearer now in Toronto than it was last year in Quebec.<sup>27</sup> [He] thought four dollars would not pay the expenses of most of the members. He thought they should take what was just, and not try to make a little political capital.<sup>28</sup>

MR. J.S. MACDONALD (Glengary) did not wish to be understood to say either yea or nay to the recommendation of the Committee, but what he insisted upon was that all such reports ought as a matter of course to be sifted and decided upon in Committee of the Whole before being adopted by the House. He therefore moved--

"That the said Report be not now concurred in, but that it be referred to a Committee on the Whole House, on Wednesday week."<sup>29</sup>

[The motion was] seconded by MR. BROWN.<sup>30</sup>

MR. INSP. GEN. CAYLEY supported the allowance, inasmuch as the cost of living had increased 50 per cent. since the statute was passed.<sup>31</sup> [He] did not agree with the hon. member for Lambton that the proper way of dealing with this matter was by an Act of Parliament and not by a simple vote of the House. They all admitted that this indemnity was not a remuneration for services, but merely an equivalent for the cost of living and other charges.<sup>32</sup> Now no one would say that the cost of living this year was less than last year. If, however, they fixed by statute the amount of allowance at the present time, and in another year the cost of living became lower, they would require to alter the law.--They would thus see that they were adopting an Act of Parliament for what was after all a mere contingency.--He thought therefore the course pursued by the committee in making this an annual vote of the House was the proper course.<sup>33</sup>

MR. ROBLIN said Mr. Brown had said last session was a special case. What difference was there now?<sup>34</sup> Living was ... as high this year as last year. If \$4 a day was not too much when the statute was passed, \$6 a day was not too much now, in consequence of the encreased cost of living. He did not come here to give a bunkum vote. He would vote for the Report, and he believed that every member present who voted against the extra allowance last year did not hesitate to take the \$2 extra.<sup>35</sup>

CAPT. RHODES was peculiarly situated last session, living at home he felt he could not oppose the vote for six dollars for those who were living at a distance from home, but he had gained more experience now, and was convinced this large allowance only tended to prolong the session. Being away from home himself now, he felt at liberty to vote against the increased allowance.<sup>36</sup>

MR. BOWES thought no member living in Toronto, who had taken the six dollars in Quebec, should vote against it now.<sup>37</sup> It would be exceedingly ungenerous to those members who had come from a distance for the House to oppose this report, and more especially when they were not able to afford them comfortable accom[m]odation, even at a much larger expense, than they required to pay in Quebec.<sup>38</sup>

DR. FRAZER approved of the report, as he was satis[fi]ed every one would admit that it was more expensive living here than in Quebec.<sup>39</sup>

MR. FREEMAN said he understood his hon. friend (Mr. Macdonald) had no objection to the report, but contended that all such reports should be submitted to the Committee of the Whole.<sup>40</sup>

After some further discussions the amendment was negatived<sup>41</sup>.

(168)

*The Honorable John Sandfield Macdonald moved in amendment to the Question, seconded by Mr. Brown, That all the words after "That" to the end of the Question be left out, and the words "the said Report be committed to a Committee of the whole House for Wednesday the twenty-sixth instant" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Bell, Biggar, Bourassa, Brown, Casault, Chapais, Darche, DeWitt, Jean B.E. Dorion, Octave C. Fortier, Hartman, Jobin, Lumsden, John S. Macdonald, Mackenzie, Papin, Price, Rhodes, Valois, and Wright.--(20.)*

NAYS.

*Messieurs Alleyn, Bellingham, Bowes, Brodeur, Cartier, Cauchon, Chabot, Christie, Clarke, Conger, Cook, Daly, Charles Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Evanturel, Felton, Fergusson, Ferres, Ferrie, Foley, Thomas Fortier, Fournier, Frazer, Freeman, Gamble, Gill, Gould, Guévremont, Laporte, Larwill, LeBoutillier, Lemieux, Roderick McDonald, McCann, Marchildon, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Patrick, Polette, Poulin, Prévost, Rankin, Robinson, Roblin, Solicitor General Ross, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Terrill, and Thidaudeau.--(63.)*

*So it passed in the Negative.*

On the question for the main motion,

MR. MACKENZIE said that if the members of this house could not speak their sentiments upon any question like the present one, Legislation was a farce. This house had no right to make use of the public money otherwise than by an Act of Parliament, and the law was clear and distinct upon this, that each member of this house is only entitled to a sum of \$4 per day during the session; and if during the existence of



that law the house passes a resolution that the members should each have either 6, 7, or \$8 a day, it is establishing a very bad precedent to say the least of it. If a sum of \$6 per day is wanting, the house should pass a law to that effect. The true course to be taken upon the present measure is to go into Committee of the whole before one single dollar is taken out of the public chest. Last fall, or rather that of 1854, Mr. Morin, now one of the judges, said that there was no intention of adding that \$2 per day to the contingencies. Yet the members got it, and he (Mr. Mackenzie) got it with the rest; nevertheless, if the money was to be paid he wanted to get it in a regular and constitutional way. Precedents were some times taken hold of by lawyers to serve, and at others to subserve justice; and he was also of opinion that the precedent now about to be established was very unjust and was in bad taste.<sup>42</sup>

(168)

*Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--*

(169)

YEAS.

*Messieurs Alleyn, Bellingham, Bowes, Brodeur, Cartier, Cauchon, Cayley, Chabot, Clarke, Conger, Daly, Desaulniers, Dionne, Attorney General Drummond, Felton, Ferres, Ferrie, Foley, Thomas Fortier, Fournier, Frazer, Freeman, Gamble, Gill, Gould, Guévremont, Jackson, Laberge, Laporte, Larwill, LeBoutillier, Lemieux, Roderick McDonald, McCann, Meagher, Mongenais, Angus Morrison, Niles, O'Farrell, Patrick, Polette, Poulin, Rankin, Roblin, Solicitor General Ross, Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Terrill, and Thibaudeau.--(56.)*

NAYS.

*Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Casault, Chapais, Cook, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Dostaler, Evanturel, Fergusson, Octave C. Fortier, Hartman, Huot, Jobin, Lumsden, John S. Macdonald, Mackenzie, Matheson, Merritt, Papin, Prévost, Price, Rhodes, Robinson, Valois, and Wright.--(31.)*

*So it was resolved in the Affirmative.*<sup>43</sup>

MR. FERRES said that he was much struck with the remarks of the hon. member for Haldiman[d], that he would not take this amount.<sup>44</sup>

MR. MACKENZIE, I did not say so.<sup>45</sup>

MR. FERRES then said in order to ease the consciences of those who voted against the increased allowance, he would move that the accountant be ordered to pay no more than four dollars as their allowance per diem to members who had voted against the increase.<sup>46</sup>

MR. SICOTTE the SPEAKER decided that the motion was out of order as the House, by the adoption of the Report on contingencies, had decided that members should have \$6 per day.<sup>47</sup>

(169)

*Mr. Jean Baptiste Eric Dorion reported from the Select Committee on the Bill for the protection of Squatters in the Townships of Lower Canada, That the Committee had gone through the Bill, and made amendments thereunto.*

*Ordered, That the Bill and Report be committed to a Committee of the whole House, for Wednesday the twenty-sixth instant.*

*Ordered, That Mr. Gould have leave to bring in a Bill to amend the Act incorporating the Bond Head Harbour Company, to increase the Capital Stock of the said Company, and for other purposes.*<sup>48</sup>

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the twenty-sixth instant.*

*Ordered, That Mr. Rankin have leave to bring in a Bill to amend and extend the Charter of the Amherstburg and St. Thomas Railway Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the twenty-sixth instant.*

[On motion of] MR. MERRITT<sup>49</sup>,

(169)

*Ordered, That the Return relative to the Sale of Lands for a Common School Fund, presented to the House yesterday, be referred to the Special Committee appointed to examine into the Fund for the support of Common Schools.*

MR. AT. GEN. J.A. MACDONALD introduced a bill to authorize the several courts in Canada West, to admit T.W. Lawford, to practice as an Attorney and Solicitor therein.<sup>50</sup>

MR. MACKENZIE took an objection to the bill, and said he was of opinion that if this gentleman was admitted to the bar in England, he had a perfect right to practice here without the expense of printing 50 copies of this bill in both English and French, in order to make this Mr. Lawford a lawyer in this Province. Mr. Punch, in his witty journal, had caricatured law as a humbug; and the course pursued on these occasions went to show that a very roundabout humbugging course was adopted. It was not long ago that that House galvanized by a similar process a Mr. somebody, whose name had escaped his (Mr. Mackenzie's) memory, and the next thing heard of this very gentleman by Act of Parliament, was a challenge he had sent to some one who did not exactly please him, insisting to an exchange of shots in a duel.<sup>51</sup>

[The] motion [was] carried.<sup>52</sup>

(169)

*Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to authorize the Court of Chancery and Courts of Queen's Bench and Common*

(170)

*Pleas in Upper Canada, to admit Thomas Wright Lawford to practise as a Solicitor and Attorney.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twenty-seventh instant.*

*The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address*

from the Legislative Assembly, dated 28th ultimo, for a List of such Cases belonging to the Legislature and Government as may have been lost during the removal from Quebec to Toronto.

By Command,

George A. Cartier,  
Secretary.

Secretary's Office,  
Toronto, 18th March, 1856.

Public Works, Toronto, 17th March, 1856.

Sir,—In reference to an Address of the Legislative Assembly, asking for a list of Cases belonging to the Legislative and Executive, lost in transmission from Quebec to Toronto, I am directed to inform you that this Department is not aware of any such losses having taken place. The Address is returned herewith.

I have the honor to be, Sir,

Your most obedient Servant,

Thomas A. Begly,  
Secretary.

The Honorable the Provincial Secretary.

On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Mr. Cartier,

Ordered, That the Orders of the day be now read.

And the Order of the day for the third reading of the Bill to provide for the holding of an additional Term of the Appeal side of the Court of Queen's Bench for Lower Canada in the present year, being read;

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend the Act for establishing freedom of Banking, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cayley do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to explain and amend the Charter of the City Bank, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Acts amending the Laws relative to Courts of original Civil Jurisdiction in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to the Select Commit-

(171)

tee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.

The Order of the day for the second reading of the Bill to amend the Act 18 Vic. cap. 104, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.

The Order of the day for the second reading of the Bill to establish a Circuit Court in and for the County of Soulanges, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.

The Order of the day for the second reading of the Bill to amend the Act for increasing the Sittings of the Courts in the District of St. Francis, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.

The Order of the day for the second reading of the Bill to provide for the establishment of a Circuit Court in the County of Montcalm, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.

The Order of the day for the second reading of the Bill further to amend the Judicature Acts of Lower Canada, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.<sup>53</sup>

The Order of the day for the second reading of the Bill to establish a Circuit Court in and for the County of Joliette, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.

Ordered, That Mr. Alleyn and Mr. Casault be added to the Select Committee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.

The Order of the day for the second reading of the Bill to authorize the commutation of Claims on Ordinance Lands, upon the transfer of such Lands to the Province, being read;

[On motion of] MR. INSP. GEN. CAYLEY<sup>54</sup>,

(171)

The Bill was accordingly read a second time; and ordered to be read the third time on Wednesday the twenty-sixth instant.

The Order of the day for the second reading of the Bill to amend, repeal and consolidate the provisions of certain Acts therein mentioned, and to simplify and



*expedite the proceedings in the Courts of Queen's Bench and Common Pleas in Upper Canada, being read;*

MR. AT. GEN. J.A. MACDONALD moved that this bill be referred to a private committee, composed of Messrs. Sol. Gen. Smith, Hon. J.H. Cameron, Hon. J.S. McDonald, Angus Morrison and the mover.<sup>55</sup>

MR. MACKENZIE objected. He said here was a bill all about law, full of law terms. A great deal of Latin, of course. There was a great many who could not understand it, and one thing he should like to be satisfied about, was it to make the law any better?<sup>56</sup>

MR. AT. GEN. J.A. MACDONALD in reply to the questions of the hon. member for Haldimand would state that the bill would expedite, simplify and cheapen the law; and in order that the bill may be understood, he had proposed to refer it to a committee of legal gentlemen of that House, so that it may be made as complete as possible.<sup>57</sup>

MR. J.S. MACDONALD offered some remarks upon the expediency of an addition to the Committee<sup>58</sup>.

MR. AT. GEN. J.A. MACDONALD agreed to the names of Mr. Freeman and Mr. Ferguson being added to the committee.<sup>59</sup>

(171)

*The Bill was accordingly read a second time; and referred to a Select Committee,*

(172)

*composed of the Honorable Mr. Attorney General Macdonald, Mr. Solicitor General Smith, the Honorable Mr. Cameron, the Honorable John Sandfield Macdonald, Mr. Lyon, Mr. Joseph Curran Morrison, Mr. Angus Morrison, Mr. Fergusson, and Mr. Freeman, to report thereon with all convenient speed; with power to send for persons, papers and records.*

MR. SOL. GEN. H. SMITH said it was desirable that all the private bills on the list, should be read a second time and referred to the Private Bill Committee.<sup>60</sup>

MR. MACKENZIE objected to proceeding so hastily.<sup>61</sup>

MR. SOL. GEN. H. SMITH hoped the hon. member would not object, as it would save considerable time to allow these private bills to go to the Standing Committee before the recess.<sup>62</sup>

(172)

*The Order of the day for the second reading of the Bill to incorporate the Ontario Hotel Company, being read;*

[On motion of] MR. FREEMAN<sup>63</sup>,

(172)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to vest in Daniel Burritt a certain allowance for Road in the Township of Marlborough, being read;*

DR. CHURCH moved that the Bill ... be read a second time.<sup>64</sup>

MR. J.S. MACDONALD was convinced that it was a most dangerous principle to give away in fee simple the public roads of this country, and he thought if the House was not careful in such matters, they would have great cause to regret it. He had no objection to Municipalities being allowed to lease such pieces of land--for a certain time--such lease subject to be set aside by Act of Parliament, but it was dangerous to allow them to be given away in fee simple.<sup>65</sup>

MR. SOL. GEN. H. SMITH concurred in the remarks of the hon. member for Glengarry. There were certain cases where the road allowance was of no use whatever in consequence of the change of the concession line--the property on each side of the line belonging to one party. But there are cases where the property on the sides of the line belong to different proprietors, and in such cases he would never consent to these roads being given up. ... When the Municipal Bill comes up, certain powers will be given to Municipalities to grant such allowances by license of occupation, determinable at will and pleasure, and thereby save this House the difficulty of interfering with these private matters. He regretted that in many cases township Municipalities had taken upon themselves to lease these roads, the consequence of which was that many persons were obliged to come to this House to get justice done them.<sup>66</sup>

MR. S. SMITH said there was no danger in selling these roads. The Municipal law gave Municipalities power over these roads when they chose.<sup>67</sup>

MR. GAMBLE considered there was a great deal of danger in this sort of parish legislation, because it was utterly impossible that this House could be in possession of the information necessary in regard to these roads, which is absolutely requisite in order to do justice to those parties who have a right to them. He was very glad to hear the remarks from the Solicitor General in regard to the course which Government intended to pursue in regard to the Municipal Bill. He trusted that this kind of legislation for parish matters would be done away with in this House altogether. Another species of legislation of the same sort was in regard to the incorporation of towns and cities. He trusted that a general law would be provided for such incorporations, in order that the legislature might be saved interfering in such matters.<sup>68</sup>

MR. HARTMAN said the Private Bill Committee have already been called upon to object in regard to two bills of this class, and they were determined not to do anything with them until they ascertained what is determined to be done in the amendments to the Municipal Act this present session. He hoped that Act would provide a better mode of incorporating towns and villages than at present existed. He was surprised to hear the hon. member for Northumberland say there was no danger in passing such acts as that at present before them; when it was a fact that only last session an Act was passed in reference to some such matter in connexion with that gentleman's own constituency, and this session it is petitioned against, and a bill had been introduced to repeal that Act, or at least notice of such a bill had been given.<sup>69</sup>

MR. S. SMITH said it was a different thing altogether.<sup>70</sup>

MR. HARTMAN proceeded.--He said it was within the knowledge of the House that applications of that kind had been made. He had no objections to the present bill as it would be referred to the committee.<sup>71</sup>

MR. S. SMITH said the bill to which the hon. gentleman alluded had nothing whatever to do with road allowances. It refer[r]ed to a disputed survey which had been made and an act was passed confirming one of the surveys made.<sup>72</sup>

The bill was read a second time.<sup>73</sup>

(172)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to vest in James Taunton a part of original allowance for Road between lot number forty, on Talbot Road, east, and number ten in second range, east of River Road, in the Township of Southwold, being read;*

[On motion of] MR. MACBETH<sup>74</sup>,

(172)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to authorize Henry Wulff Trigge, Esquire, and others, to construct a Toll-Bridge on the Northeast branch of the River Nicolet, near the Church of the Parish of Ste. Monique, in the County of Nicolet, and to incorporate the said Henry Wulff Trigge and others, under the name of the Ste. Monique Bridge Company, being read;*

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to amend the Act incorporating the Hamilton and Port Dover Railway Company, being read;*

[On motion of] MR. SOL. GEN. H. SMITH<sup>75</sup>,

(172)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Order of the day for the second reading of the Bill to amend the Act of Incorporation of the L'Assomption River and Railway Company, being read;*

[On motion of] MR. DUFRESNE<sup>76</sup>,

(172)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Order of the day for the second reading of the Bill to enable John Watson, of the Village of Ayr, in the County of Waterloo, to construct a Dam and Water-*

course for manufacturing and other purposes, and to take all lands necessary therefor, being read;

[On motion of] MR. FERRIE<sup>77</sup>,

(172)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to confirm the Patent for Lot Number four, broken Concession A and B, in the Township of Hamilton, being read;*

[On motion of] MR. S. SMITH<sup>78</sup>,

(172)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to facilitate the dis-*

(173)

*uniting of the Counties of Lincoln and Welland, and to erect the latter into an independent Municipality for Judicial and other purposes, being read;*

[On motion of] DR. FRAZER<sup>79</sup>,

(173)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to incorporate the International Telegraph Company, and for other purposes, being read;*

[On motion of] MR. S. SMITH<sup>80</sup>,

(173)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Order of the day for the second reading of the Bill to confirm and establish the Survey of the Township of Delaware, made by Samuel Peters, Esquire, Deputy Provincial Land Surveyor, being read;*

MR. SCATCHERD moved the second reading of the bill<sup>81</sup>.

MR. SOL. GEN. H. SMITH said that great care should be taken in this matter. He thought that it should be referred to the commissioner of Crown Lands. A great deal of confusion arose from new surveys being made every session.<sup>82</sup>

MR. J.S. MACDONALD also recommended the matter as one that should be carefully looked into, because these new surveys might encroach on private property.<sup>83</sup>



MR. SCATCHERD said that if the hon. gentleman wished, he would refer the matter to the Commissioner of Crown Lands.<sup>84</sup>

MR. MERRITT thought that the best way to keep from infringing on private property was to keep to the old surveys.<sup>85</sup>

MR. COM. CR. LANDS CAUCHON would like to know where the old surveys were to be found.<sup>86</sup>

The subject then dropped.<sup>87</sup>

(173)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*<sup>88</sup>

*The House, according to Order, again resolved itself into a Committee on the Bill to change the Constitution of the Legislative Council, by rendering the same elective;*

The first two clauses were read<sup>89</sup>.

MR. COM. CR. LANDS CAUCHON moved the adoption of the second clause relative to retaining the present members of the Council under the new constitution, and declaring the number of elective members to be 24 from Upper Canada and 24 from Lower Canada.<sup>90</sup>

The second clause ... was carried.<sup>91</sup>

MR. COM. CR. LANDS CAUCHON moved the adoption of ... the third clause "That the present Councillors shall continue to hold their seats as heretofore, &c."<sup>92</sup>

MR. BROWN expressed a hope that the House would not agree to this clause. The hon. gentleman (Mr. Cauchon,) by such a clause libelled the members of the Upper House.<sup>93</sup>

MR. J.S. MACDONALD said, the Bill would pass as it was. He was content to take it as he could get it.<sup>94</sup>

MR. MACKENZIE said that a hundred members might be added to the Upper House tomorrow. He had for thirty years advocated the right of the people to elect those who were to make their laws<sup>95</sup>--

[Disruptions from] the Ministerial side<sup>96</sup>.

[The third clause] was adopted.<sup>97</sup>

MR. COM. CR. LANDS CAUCHON then read over the titles of the various clauses as far as the fourteenth (which were all agreed to)<sup>98</sup>.

The adjournment [then] took place at six o'clock.<sup>99</sup>

[After the recess,] the House again [resolved itself] in[to] committe[e] on the Elective Legislative Council Bill<sup>100</sup>.

The remainder of the clauses were got through without much discussion.<sup>101</sup>

MR. J. SMITH brought forward some amendment in regard to the details of the Electoral divisions as specified in the Bill,<sup>102</sup> tending to a different division of the County of Northumberland, Durham, and Victoria.<sup>103</sup>

MR. S. SMITH opposed the amendment, as he considered the divis[i]ons were correct as they were stated in the Bill. Although he did not approve of the Bill as a whole, yet he was content to take it as the Government had brought it down. He thought that in such a matter, hon. members should not demand that their own notions be forced upon the House, but should endeavour to harmonize their views with the general wishes of the House.<sup>104</sup>

MR. AT. GEN. J.A. MACDONALD urged upon the hon. member for Victoria to withdraw his amendment for the present, as it was impossible they could go into the matter fully. The Bill had to go to the other House, and they were deeply interested in it, and had much more time to make the divisions complete than they had in this House. He would do what he could to help to make out a fair division of the Provinces, and would urge, therefore, that the bill be allowed to pass.<sup>105</sup>

MR. J. SMITH (Victoria) objected to withdraw the amendment, in order that the Bill might be completed in the Upper House.<sup>106</sup>

MR. CONGER supported the opinions of the hon. member for Victoria in regard to the grouping of several of the electoral districts. He could not see that the amendment would in any way injure the Bill or prevent its passing or he would not support it; but considering the proposed change as of importance he would vote for the amendment of the hon. member for Victoria.<sup>107</sup>

MR. SOL. GEN. H. SMITH hoped the committee would consider well the proposed amendment. The effect of it would be to give the city of Toronto the right to send a member to the Legislative Council for themselves, while they deny the same right to Montreal and Quebec. He had some trouble in the preparation of the schedule, and he considered that to make such a change as that contemplated would derange the whole list, and the consequence would be they would require to go over the entire schedule again.<sup>108</sup>

MR. GOULD hoped the hon. member would not withdraw his amendment, for if he did so he (Mr. Gould) would move it and would get those hon. gentlemen who are so very flighty to record their vote for or against the amendment.<sup>109</sup>

The amendment finally was lost.<sup>110</sup>

MR. FELTON referred to the electoral divisions for Lower Canada, particularly for the Eastern townships, which he considered much more objectionable than the divisions to which the hon. member for Victoria had alluded.<sup>111</sup> [He] objected to the Schedule that the Wellington district, in the Eastern Townships, comprehended constituencies which<sup>112</sup> could only have one representative in the Upper House to five in the Lower House, while every other part of the country had one representative in the Upper House to three in the Lower House.<sup>113</sup> He would not, however, move an amendment, for he was prepared to take the Bill in its present shape, rather than not have it at all. He thought the Eastern townships were rather entitled to be over-represented in respect to their population than to be under-represented.

At the present moment there was not one member of the Upper House from that district.<sup>114</sup>

MR. FERRES.--[The] only satisfaction he had with regard te (sic) the Electoral divisions of the bill was that he had no idea it would pass the Upper House. A great injustice was done to the English population ef (sic) Lower Canada in these divisions. Out of the twenty-four Electoral divisions, only two of these could possibly be represented by English members. He did not consider that two English members for the whole of Lower Canada was enough. The English population were so situated that they have a such claim on the sympathy of the gentlemen of the same nation in Upper Canada, and if they were not to receive it, the galling injustice would be the more severe.<sup>115</sup> Would the House sanction by their votes such a bill, which disfranchised the whole English population of Lower Canada? It could not be concealed that there were two races in Lower Canada, and they could only be kept in harmony with each other by receiving equal justice.<sup>116</sup> Now, he thought that two more members might be given to the people of that origin without upsetting the general arrangement of the bill.<sup>117</sup> He appealed to the hon. Commissioner of Crown Lands to give justice to the British population of Lower Canada. If there was any possibility of the Bill passing the Upper House, there would be more noise made about the division, but, as it was, he supposed it was of little consequence.<sup>118</sup>

MR. TERRILL did not think they should be content with an imperfect bill, trusting to the chances of its being rejected by the Upper House.<sup>119</sup> [He] objected to the remarks of ... [Mr. Ferres], as he did not consider that the line of the divisions would so circumscribe the views of the electors that they would not endeavour to select the gentleman best fitted to represent them whether of French or English descent. He was quite convinced, however, that there had been a total disregard of the interests of the Eastern Townships<sup>120</sup>. [He] did think the parts of the country from which he, his friend from Wolfe, and his friend from Richmond came were not fairly represented.<sup>121</sup> He regretted that the member for Wolfe (Mr. Felton) had not proposed an amendment to remedy the injustice of having only one member for five constituencies in tha[t] district named Wellington<sup>122</sup>, and if he had thought the hon. gentleman who had moved in this matter before, (Mr. Felton,) was not prepared to move an amendment he would have done so. His hon. friend from Arthabaska said he had an amendment which he (Mr. Terrill) would support if it met his view in this matter.<sup>123</sup>

MR. J. DORION (Drummond) fully concurred in some of the sentiments expressed by the hon. members from his section of the country. Last session he presented no fewer than 15 petitions against the arrangement proposed in the bill. He moved an amendment<sup>124</sup> to give an additional Legislative Councillor to the County of Arthabaska, and some adjoining Counties<sup>125</sup>, making an arrangement of the Eastern Townships into districts more equal in point of population. The division he proposed, he was satisfied, would give justice to every portion of Lower Canada.<sup>126</sup>

MR. COM. CR. LANDS CAUCHON replied to the remarks of the hon. gentlemen who proposed to amend the schedule.<sup>127</sup> [He] justified the division of the electoral districts in the bill, though he declined to go into the details of the matter until it came before the House.... He also pointed out that there would be several electoral districts which would have larger populations than the one now in question.<sup>128</sup> He thought it advisable to endeavor to set aside the notion of origins, because there were at present representative districts of French origin, represented in this House by gentlemen of British origin. The hon. gentleman here mentioned several



counties essentially French, which had for years been represented by men of British origin.<sup>129</sup> The people of Lower Canada did not attend to those distinctions. They elected men that they thought good, without looking to their religion or their origin. The bill had been prepared with the intention of giving justice to all sections of Lower Canada, according to population.<sup>130</sup> He contended that the schedule was the most favorable they could prepare. He did not draw it up, but he was satisfied the House would do wrong in listening to the amendments proposed.<sup>131</sup>

MR. TERRILL considered that the amendment of his hon. friend from Arthabaska remedied in a certain degree the evil of the divisions in the schedule, but still it left a part of it altogether untouched, and therefore he would not vote for it.<sup>132</sup>

MR. SANBORN agreed with the Commissioner of Crown Lands that it was well to sink distinctions of race. But that was not the view taken by that hon. gentleman on the question of Representation by Population. The hon. gentleman then said that they could not shut their eyes to facts as they were,<sup>133</sup> and looking at them, the question of race could not be entirely lost sight of. It should not be forgotten that the English race formed one-fourth of all Lower Canada, and therefore some consideration was due to them. There was evident injustice in the present arrangement<sup>134</sup>, that one-fourth of the population of Lower Canada should only be represented by two members in the Upper House.<sup>135</sup> And yet the Hon. Commissioner of Crown Lands, with all his generosity, voted against the motion for representation by population, and would have certain areas represented instead. According to the assumption of the Government in this schedule, one representative is given to three constituencies, while in the eastern townships one representative is given to five constituencies instead of three. It was time, he considered that some other principle was adopted than that which Government had assumed in this electoral schedule.<sup>136</sup>

MR. FELTON was willing also to forget the questions of race, and he had not put his objection to the Schedule on that ground in any invidious way.<sup>137</sup> But it was evident to every one, that if these townships were entitled to a representation of five members in this House, they were entitled to more than one in the Upper House, as the ratio of the other constituencies was ... one to two and a half constituencies (*sic*), while these townships were increasing in population four fold beyond that of the other portions of Lower Canada. He did not desire to make any agitation in regard to nationality; but he considered the only way to get rid of any harsh feeling that might exist, was to give both parties of the population, French and English, fair representation according to their numbers.<sup>138</sup> If those of different origins were to live in harmony, justice should be done to all, and the majority could afford even to be generous to the minority, instead of giving them only half the representation they were entitled to. In reply to the Commissioner for Crown Lands, he would say<sup>139</sup> that it was true that French Canadian constituencies frequently returned men of the other races, but when that was the case,<sup>140</sup> that the representation must be according to the nature of the constituency. If he represented a French constituency he would feel bound to represent their views, whether religious, national, or otherwise.<sup>141</sup>

After some further discussion<sup>142</sup>,

MR. J. DORION ... withdrew his amendment.<sup>143</sup>

The Committee passed the Bill without amendment<sup>144</sup>, [and then] rose and reported progress on the question of concurrence.<sup>145</sup>



(173)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Alleyn reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

MR. COM. CR. LANDS CAUCHON moved that the Report of the Committee of the Whole be now received.<sup>146</sup>

MR. BROWN hoped the motion would not be pressed. Time should be allowed to hon. members to prepare their amendments.<sup>147</sup>

MR. FELTON said he would move his amendment at the third reading.<sup>148</sup>

MR. PAPIN said he was not disposed to wait till the third reading, and if the receiving of the Report was now pressed, he would move in amendment--"That the bill be re-committed to amend the same by the insertion of a clause removing the necessity of any real property qualifications for members of the Legislative Assembly, and making their eligibility depend exclusively upon the confidence of the public."<sup>149</sup>

MR. COM. CR. LANDS CAUCHON said that the Government had proposed by their Bill, as it was originally introduced, to abolish the property qualification but a majority of the members having been opposed to that, the clause was removed, and he did not think the House would change their former vote to-night.<sup>150</sup>

The amendment was then [put.]<sup>151</sup>

(173)

*And the Question being proposed, That the Report be now received;*

*Mr. Papin moved in amendment to the Question, seconded by Mr. Jean Baptiste Eric Dorion, That all the words after "That" to the end of the Question be left out, and the words "the Bill be now re-committed to a Committee of the whole House, with instructions to amend the same, by inserting a Clause removing the necessity of any real property qualification for Members of the Legislative Assembly, and making their eligibility depend exclusively upon the confidence of the Public" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Bourassa, Brown, Bureau, Christie, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Ferrie, Foley, Frazer, Freeman, Hartman, Huot, Jobin, Laberge, John S. Macdonald, Mackenzie, Papin, Powell, Prévost, Rolph, Sanborn, Somerville, Valois, Wilson, and Wright.--(27.)*

(173-174)

NAYS.

*Messieurs Alleyn, Bell, Brodeur, Burton, Cameron, Cartier, Cauchon, Cayley, Chabot, Chapais, Clarke, Conger, Cooke, Crysler, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Gould, Guévremont, Labelle, Laporte, LeBoutillier, Lemieux, Lyon, Attorney General Macdonald, McCann, Meagher, Mongenais,*

Angus Morrison, Murney, Patrick, Poulin, Price, Roblin, Solicitor General Ross, James Ross, Solicitor General Smith, Southwick, Spence, Tache, Terrill, and Thibaudeau.--(52.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Murney moved in amendment to the Question, seconded by Mr. Brown, That all the words after "That" to the end of the Question be left out, and the following words inserted instead thereof; "the Bill be now re-committed to a Committee of the whole House for the purpose of making the following amendments in Schedule A, that the following divisions shall be constituted":--

York.--The City of Toronto.

King's.--The East and West Ridings of York.

Queen's.--The North and South Ridings of Ontario, and the West Riding of Durham.

The Lakes.--The Counties of Peterborough and Victoria, and the East Riding of Durham.

Trent.--The East and West Ridings of Northumberland, and the North Riding of Hastings.

Quinté.--The South Riding of Hastings, and the Counties of Prince Edward and Lenox;

[MR. MURNEY] said he was opposed to the Bill, and would vote against it in any shape in which it could be presented; because he disapproved of the principle upon which it was founded. He was convinced that the moment that Bill was adopted they would have reached a period when a written constitution would be absolutely necessary, and when they would be thereby deprived of every sacred right they now enjoyed under their present admirable constitution. Yet he considered that the amendment he now proposed would be an improvement to the Bill.<sup>152</sup>

(174)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cameron, Darche, Jean B.E. Dorion, Gamble, Gould, Hartman, Murney, Powell, Rolph, Wilson, and Wright.--(12.)

NAYS.

Messieurs Alleyn, Bell, Brodeur, Bureau, Cartier, Cauchon, Cayley, Chabot, Chapais, Christie, Clarke, Conger, Cook, Crysler, Charles Daoust, Jean B. Daoust, Desaulniers, DeWitt, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gill, Guévremont, Huot, Jobin, Labelle, Laporte, LeBoutillier, Lemieux, Lyon, John S. Macdonald, Attorney General Macdonald, McCann, Meagher, Mongenais, Papin, Patrick, Poulin, Prévost, Price, Solicitor General Ross, James Ross, Sanborn, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Terrill, Thibaudeau, and Valois.--(59.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Jean Baptiste Eric Dorion moved in amendment to the Question, seconded by Mr. Papin, That all the words after "That" to the end of the Question be left out, and the words "the Bill be now re-committed to a Committee of the whole House, with instructions to amend the same, by providing that the present Members of the

*Legislative Council shall cease to form part thereof immediately after the Election of the new Councillors, unless they shall have been elected Members thereof by the People" inserted instead thereof;*<sup>153</sup>

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(174-175)

YEAS.

Messieurs Bourassa, Brown, Bureau, Christie, Charles Daoust, Darche, Jean B.E. Dorion, Foley, Frazer, Gould, Hartman, Huot, Jobin, Laberge, Lyon, John S. Macdonald, Mackenzie, Marchildon, Murney, Papin, Patrick, Prévost, Rolph, Sanborn, Valois, and Wright.--(26.)

(175)

NAYS.

Messieurs Alleyn, Bell, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chabot, Chapais, Clarke, Conger, Cooke, Crysler, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Ferrie, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Labelle, Laporte, LeBoutillier, Lemieux, Attorney General Macdonald, McCann, Meagher, Mongenais, Poulin, Powell, Solicitor General Ross, James Ross, Solicitor General Smith, Somerville, Southwick, Spence, Taché, Terrill, and Thibaudeau.--(47.)

*So it passed in the Negative.*

*Then the main Question being put;*

*Ordered, That the Report be now received.*

*Mr. Alleyn reported the Bill accordingly.*

*Ordered, That the Bill be read the third time on Wednesday the twenty-sixth instant.*

*On motion of the Honorable Mr. Cameron, seconded by Mr. Ferres,*

*Ordered, That the Select Committee on the Argenteuil Election Petition have leave to adjourn from To-morrow until Thursday the twenty-seventh instant, in order that the case for the Sitting Member may then be prepared to be laid before the Committee.*

MR. MURNEY wished to know if the Attorney General had any thought of extending the time of adjournment, so as to allow parties to go home and see their friends, and have time to return before the House opened.<sup>154</sup>

MR. AT. GEN. DRUMMOND said the Government would not object to any proposition the House would make in reference to the adjournment. They were desirous of making it as short as possible, but if members wished a longer time than that specified, the House might now determine.<sup>155</sup>

Several hon. members said "No, no, the time is long enough."<sup>156</sup>

(175)

*Then, on motion of the Honorable Mr. Cauchon, seconded by Mr. Solicitor General Smith,*

*The House adjourned until Wednesday the twenty-sixth instant.*<sup>157</sup>

APPENDIX: 18 MARCH 1856.

[NOTICE OF MOTION FOR A BILL RE: SHEFFORD, BROME AND MISSISQUOI.]

MR. FERRES ... [gave notice that he would move for leave to introduce a Bill] for a Judicial District, to be formed out of the Counties of Shefford, Brome and Missisquoi.<sup>158</sup>

[NOTICE OF MOTION FOR A RESOLUTION RE: DISSOLUTION OF THE UNION.]

MR. J. DORION ... [gave] notice that when Mr. Brown's representation by population resolution comes up, he will move in amendment a resolution for the dissolution of the union.<sup>159</sup>

[NOTICE OF QUESTION RE: SEAT OF GOVERNMENT.]

MR. LORANGER [gave notice that he would make an] enquiry of Ministry, whether it is their intention to lay before this House, estimates of the expenses which would be incurred in the erection of buildings for the use of the Government and the Legislature in Toronto, Kingston, Ottawa, Montreal or Quebec, and when such statement will be ready.<sup>160</sup>

[MOTION FOR PRINTING RE: PORT DALHOUSIE AND THOROLD RAILWAY COMPANY.]

MR. MERRITT moved ... that the petition of Thomas Parker be printed<sup>161</sup>.

[It was] referred to [the] committee on printing.<sup>162</sup>

[POSTPONED MOTION RE: CORRIGAN MURDER.]

MR. J. MORRISON (Niagara) asked whether the Government would allow him to make the motion of which he had given notice--"That a Committee of seven members be appointed to enquire into the cause of the failure of justice (if any) in the case of the Queen vs. Kelly and others, tried in the month of February last, before the Criminal Court at Quebec, and into the origin of the disturbances which have recently occurred at St. Sylvester; and that such Committee do consist of the Hon. Mr. Drummond, the Hon. Mr. Cameron, Messrs. Loranger, Rhodes, Galt, Turcotte and Crawford, with power to send for persons, papers and records."<sup>163</sup>

MR. SICOTTE the SPEAKER said that, unless with the unanimous consent of the House, the motion could not be taken out of its order.<sup>164</sup>

MR. AT. GEN. DRUMMOND supposed the House would have no objections to the motion being proceeded with.<sup>165</sup>

CAPT. RHODES hoped the hon. member would not press the motion just now. By the appointment of the committee the country would be made to incur a good deal of expense, nor was this the best means of getting the information desired. He hoped that during the recess the Ministry would consider if there was not some other means more likely to be efficacious than that of summoning persons from so great a distance to Toronto to give evidence before the committee. He believed that if the Government would appoint a committee to go down to that locality, and report on what



had taken place, and the social state of the community, the report of such a committee would give more satisfaction to the whole Province.<sup>165</sup> Such a course ... would be attended with less expense than would attend the mode proposed by the motion.<sup>166</sup> He thought, therefore, the hon. member should allow his motion to stand to a future day, and that in the interval the Government should express what course they thought was the best in the present emergency.<sup>168</sup>

MR. AT. GEN. DRUMMOND said he thought it would be the better plan to postpone this motion, and if so, it was better that no debate should take place.<sup>169</sup> He would only say that the Government were quite prepared either to consent to a committee or to organize a commission, not to enquire into the conduct of Judge Duval, but into the state of that part of the country at this moment, and into the conduct of the local magistrates. And he would inform the House also,<sup>170</sup> that but for the illness of his hon. friend, the Solicitor General, East,<sup>171</sup> [who] had some further information to communicate with regard to the conduct of a certain magistrate, the Government would have appointed a commission six weeks ago to enquire into the conduct of that magistrate, and into the events which preceded the trial.<sup>172</sup>

MR. J. MORRISON explained that he had intended, if the Committee were appointed, that they should issue a Commission to take evidence in the locality.<sup>173</sup>

The motion was then postponed.<sup>174</sup>

FOOTNOTES: 18 MARCH 1856.

1. GLOBE, 19 March 1856, specifies that the Committee recommends "that two dollars a day out of the contingencies of the House be paid to each member in addition to the four dollars a day allowed by law." TORONTO DAILY LEADER, 19 March 1856, concurs with this information.
2. TORONTO DAILY LEADER, 19 March 1856.
3. GLOBE, 19 March 1856.
4. TORONTO DAILY LEADER, 19 March 1856.
5. IBID.
6. IBID.
7. IBID.
8. GLOBE, 19 March 1856.
9. TORONTO DAILY LEADER, 19 March 1856.
10. MONTREAL GAZETTE, 20 March 1856.
11. GLOBE, 19 March 1856.
12. MONTREAL GAZETTE, 20 March 1856.
13. IBID.
14. GLOBE, 19 March 1856.
15. IBID.
16. IBID.
17. TORONTO DAILY LEADER, 19 March 1856.
18. IBID.
19. GLOBE, 19 March 1856.
20. TORONTO DAILY LEADER, 19 March 1856.
21. IBID.
22. IBID.
23. GLOBE, 19 March 1856.
24. IBID.
25. IBID.
26. TORONTO DAILY LEADER, 19 March 1856.
27. GLOBE, 19 March 1856.
28. MONTREAL GAZETTE, 20 March 1856.
29. GLOBE, 19 March 1856.
30. IBID.
31. MONTREAL GAZETTE, 20 March 1856.
32. GLOBE, 19 March 1856.
33. TORONTO DAILY LEADER, 19 March 1856.
34. MONTREAL GAZETTE, 20 March 1856.
35. TORONTO DAILY LEADER, 19 March 1856.
36. MONTREAL GAZETTE, 20 March 1856.
37. IBID.
38. TORONTO DAILY LEADER, 19 March 1856.
39. IBID.
40. IBID.
41. MONTREAL GAZETTE, 20 March 1856.
42. HAMILTON SPECTATOR SEMI-WEEKLY, 22 March 1856.
43. PERTH COURIER, 28 March 1856, provides a short commentary on the contingencies report, in which it is stated: "Shaw voted for six dollars a day--Bell voted for four. A good vote for Bell, but a very bad vote for Shaw." The JOURNALS do not report Mr. Shaw's name in either division.

HAMILTON SPECTATOR SEMI-WEEKLY, 22 March 1856, reports a long commentary on this debate, in which it is noted that the report of the Committee "gave rise

to an animated discussion". It further reports the following remark regarding the members who voted against the adoption of the Report: "The minority must not all be looked upon as opposed to the payment of six dollars because they considered it too high. The opposition of all save Messrs. Brown, Hartman, Aikens and Mackenzie, was given on the ground of the irregular manner in which the report was brought up; consequently there are only four thorough-going advocates of retrenchment in the House!"

It appears from a short commentary in LA MINERVE, 9 April 1856, that "Mr. Bureau and a few other members" avoided voting on this question, despite their being present in the House.

44. TORONTO DAILY LEADER, 19 March 1856.
45. IBID.
46. MONTREAL GAZETTE, 20 March 1856.
47. TORONTO DAILY LEADER, 19 March 1856.
48. GLOBE, 19 March 1856, specifies that Mr. Gould introduced this Bill, "in the absence of Mr. Munro."
49. TORONTO DAILY LEADER, 19 March 1856.
50. IBID.
51. IBID.
52. IBID.
53. TORONTO DAILY LEADER, 19 March 1856, reports a short discussion which it places immediately following the report of this second reading. Although the said discussion contains rather vague information as to the Bill to which it pertains, it is possible to ascertain that the discussion does not relate to Mr. Sanborn's bill to amend the Judicature Acts of Lower Canada, but rather to a bill by Mr. J.A. Macdonald pertaining to the Courts of Queen's Bench in Upper Canada, read shortly afterwards. The debate has therefore been inserted at its proper place within the JOURNALS, footnotes 55 to 59.
54. TORONTO DAILY LEADER, 19 March 1856.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. TORONTO DAILY LEADER, 19 March 1856. The ellipsis represents illegible words.
67. TORONTO DAILY LEADER, 19 March 1856.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. TORONTO DAILY LEADER, 19 March 1856. This newspaper specifies that the second reading of this Bill was moved by Mr. H. Smith, "in the absence of Sir Allan Macnab."
76. TORONTO DAILY LEADER, 19 March 1856.

77. TORONTO DAILY LEADER, 19 March 1856.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. In addition to the second readings reported in the JOURNALS, pages (170-173) 830-836, some newspapers report that three other Bills were read a second time on this date: GLOBE, 19 March 1856, mentions the Incorporation Bill of the Loyal Orange Institution; TORONTO DAILY LEADER, 19 March 1856, mentions Mr. S. Smith's Bill relative to Mortgages of personal property in Upper Canada; and Telegraph (QUEBEC CHRONICLE, 19 March 1856), mentions the Bill to establish County Courts in Lower Canada.
89. TORONTO DAILY LEADER, 19 March 1856.
90. IBID.
91. GLOBE, 19 March 1856.
92. IBID.
93. IBID.
94. IBID.
95. GLOBE, 19 March 1856. This newspaper specifies that Mr. Mackenzie "continued to speak for some time, but the noise kept up by the Ministerial side of the House prevented anything being distinctly heard in the Reporter's gallery."
96. GLOBE, 19 March 1856.
97. TORONTO DAILY LEADER, 19 March 1856.
98. GLOBE, 19 March 1856.
99. IBID.
100. TORONTO DAILY LEADER, 19 March 1856.
101. GLOBE, 19 March 1856.
102. TORONTO DAILY LEADER, 19 March 1856.
103. MONTREAL GAZETTE, 20 March 1856. TORONTO DAILY LEADER, 19 March 1856, specifies that the amendment proposed by Mr. J. Smith is "similar to what he introduced while the Bill was passing the House last Session."
104. TORONTO DAILY LEADER, 19 March 1856.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. TORONTO DAILY LEADER, 19 March 1856.
110. GLOBE, 19 March 1856. According to this newspaper, "a debate of some length got up among the members from the Northumberland, Durham, and Victoria Districts" on Mr. J. Smith's motion. TORONTO DAILY LEADER, 19 March 1856, which is the only newspaper that reports the debate on this amendment, does not report any speech either by Mr. Munro (Durham West), or by Mr. Burton (Durham East).
111. TORONTO DAILY LEADER, 19 March 1856.
112. GLOBE, 19 March 1856.
113. MONTREAL GAZETTE, 20 March 1856.
114. GLOBE, 19 March 1856.



115. TORONTO DAILY LEADER, 19 March 1856.
116. GLOBE, 19 March 1856.
117. MONTREAL GAZETTE, 20 March 1856.
118. GLOBE, 19 March 1856.
119. IBID.
120. TORONTO DAILY LEADER, 19 March 1856.
121. MONTREAL GAZETTE, 20 March 1856.
122. GLOBE, 19 March 1856.
123. TORONTO DAILY LEADER, 19 March 1856.
124. GLOBE, 19 March 1856.
125. MONTREAL GAZETTE, 20 March 1856.
126. GLOBE, 19 March 1856.
127. TORONTO DAILY LEADER, 19 March 1856.
128. MONTREAL GAZETTE, 20 March 1856.
129. TORONTO DAILY LEADER, 19 March 1856.
130. GLOBE, 19 March 1856.
131. TORONTO DAILY LEADER, 19 March 1856.
132. IBID.
133. GLOBE, 19 March 1856.
134. MONTREAL GAZETTE, 20 March 1856.
135. GLOBE, 19 March 1856.
136. TORONTO DAILY LEADER, 19 March 1856.
137. GLOBE, 19 March 1856.
138. TORONTO DAILY LEADER, 19 March 1856.
139. GLOBE, 19 March 1856.
140. MONTREAL GAZETTE, 20 March 1856.
141. GLOBE, 19 March 1856.
142. IBID.
143. MONTREAL GAZETTE, 20 March 1856.
144. TORONTO DAILY LEADER, 19 March 1856.
145. MONTREAL GAZETTE, 20 March 1856.
146. GLOBE, 19 March 1856.
147. IBID.
148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. TORONTO DAILY LEADER, 19 March 1856.
153. TORONTO DAILY LEADER, 19 March 1856, specifies that Mr. J. Dorion's amendment pertains more particularly to the third clause of the Bill.
154. TORONTO DAILY LEADER, 19 March 1856.
155. IBID.
156. IBID.
157. According to GLOBE, 19 March 1856, and TORONTO DAILY LEADER, 19 March 1856, the house adjourned at 10 o'clock.

WESTERN PLANET, 21 March 1856, reports the following comment on the Easter recess: "There was no necessity in deference to law or religion to adjourn longer than from Tuesday night to Wednesday. But expense is nothing to our Legislators." WESTERN PLANET, 28 March 1856, then explicitly states that "the Assembly ... adjourned eight days--two houses, 170 members at \$6 per day for 8 days, \$8,160--clerks, translators, messengers, &c., \$10,000 more--in all \$18,160 spent and no good done, and beyond the cash squandered, no evil. So says Mackenzie, and he is right. The 'no work, no pay' principle ought to be

introduced into the House, and when M.P.s take hollidays (sic) to themselves their pay should be stopped". LA MINERVE, 9 April 1856, in a humorous short commentary, notes that many members had already deserted the House, which may certainly explain the rather low count of members registering their vote in the several divisions of this day.

158. MONTREAL GAZETTE, 26 March 1856.

159. IBID.

160. IBID.

161. TORONTO DAILY LEADER, 19 March 1856.

162. IBID.

163. GLOBE, 19 March 1856. According to the sequential order of debates reported in TORONTO DAILY LEADER, 19 March 1856, the debate on Mr. J. Morrison's motion occurred between a motion by Mr. Merritt for the referral of a Return, and a bill introduced by Mr. J.A. Macdonald pertaining to T.W. Lawford's legal practice (see JOURNALS, pages (169-170) 829).

164. GLOBE, 19 March 1856.

165. IBID.

166. IBID.

167. TORONTO DAILY LEADER, 19 March 1856.

168. GLOBE, 19 March 1856.

169. TORONTO DAILY LEADER, 19 March 1856.

170. GLOBE, 19 March 1856.

171. TORONTO DAILY LEADER, 19 March 1856.

172. GLOBE, 19 March 1856.

173. IBID.

174. IBID.

WEDNESDAY, 26 MARCH 1856 <sup>1</sup>

(175)

MR. SPEAKER laid before the House,--Return from the Registrar of the County of Middlesex, pursuant to Act 16 Vic. cap. 187, sec. 9, for the year 1855.

For the said Return, see Appendix, (No. 3.)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cauchon,--The Petition of G. Dick and others, School Commissioners of St. Jean, County of Montmorency; the Petition of Félix Emmanuel Juneau, Teacher, of St. Roch, Quebec; the Petition of the Reverend O. Paradis and others, of Laval; and the Petition of F.E. Juneau, President, in behalf of the Library Association of Teachers of the District of Quebec.

By Mr. Dufresne,--The Petition of Odilon Poirier and others, of Ste. Julienne de

(176)

Rawdon and St. Alexis; and the Petition of Joseph Turgeon and others, of the Parish of St. Alexis.

By Mr. Labelle,--The Petition of Joseph H. Bellerose and others, of the Parish of St. Vincent de Paul; the Petition of the Reverend Norbert Lavallée, of the Parish of St. Vincent de Paul; and the Petition of the Committee of Management of the Mechanics' Institute at St. Vincent de Paul.

By Mr. Jobin,--The Petition of A.M. Delisle and others, Proprietors of immoveable property at St. Lambert, County of Chambly.

By Mr. Darche,--The Petition of the Mechanics' Institute of the Village of the Canton of Chambly; and the Petition of Pierre Bobin dit Lacroix and others, of the Parish of St. Bruno.

By Mr. Rhodes,--The Petition of William Nutbrown and others, of the County of Lotbinière; the Petition of Henry Burstall and others, of the City of Québec; the Petition of Robert Hood and others, of the Township of Inverness and other Townships, County of Megantic; the Petition of Thomas Mackie and others, of the County of Megantic; the Petition of Thomas Lloyd and others, of Inverness; and the Petition of the Reverend R. Short and others, of the Township of Leeds, County of Megantic.

By Mr. Crawford,--The Petition of the Brockville Gas Light Company, and others, of the Town of Brockville; and the Petition of the Board of Common School Trustees of the Town of Brockville.

By Mr. Thibaudeau,--The Petition of Isidore Gautier and others navigating the St. Lawrence, and others.

By Mr. Lyon,--The Petition of the Sisters of Charity of Bytown.

By Mr. Bowes,--The Petition of James Stewart and others, of Esquesing, County of Halton.

By Mr. Jean Baptiste Daoust,--The Petition of the Municipal Council of the County of Two Mountains.

By Mr. Ferrie,--the Petition of Robert Wyllie, Chairman, on behalf of a Public Meeting of the Inhabitants of the Village of Ayr, County of Waterloo.

By Mr. Ferrie,--The Petition of the Reverend Duncan McRuar, in behalf of the Presbyterian Church of Canada in the Village of Ayr.

By Mr. Frazer,--The Petition of William Carl and others, of the Township of Crowland; and the Petition of Leonard M. Mathews and others, of the Township of Crowland.

By Mr. Marchildon,--The Petition of the Municipal Council of the County of Champlain.

By Mr. Powell,--Two Petitions of Thomas Elliot and others, of the Municipality of Fitzroy; and two Petitions of the Municipality of the Township of Huntley.

By Mr. Thomas Fortier,--The Petition of F. Maillot and others, School Commissioners of the Parish of Gentilly.

By the Honorable Mr. Robinson,--The Petition of James Manning and others, of the South Riding of the County of Simcoe; the Petition of James Brady and others, of the South Riding of the County of Simcoe; the Petition of Mrs. Sarah Manning and others, of the South Riding of the County of Simcoe; the Petition of Mrs. Sarah Brady and others, of the South Riding of the County of Simcoe; and the Petition of Mrs. Mary Sophia Coxwell, of the City of Toronto, widow of the late W.W. Coxwell.

By Mr. Somerville,--The Petition of William Cantwell and others, of the Municipality of Russelltown and other places; and the Petition of the Municipality of the Township of Hemmingford.

By Mr. Conger,--The Petition of Mrs. Joseph West and others, of the Township of Otonabee; and the Petition of John Allan and others, of the Township of Otonabee.

(177)

By Mr. Prévost,--The Petition of the Reverend M. Brunet and others, of the Parish of St. Jérôme; and two Petitions of the Municipality of the Parish of Lacorne, County of Terrebonne.

By Mr. Bellingham,--Three Petitions of the Municipal Council of the County of Argenteuil; and the Petition of the Municipality of the Township of Harrington.

By the Honorable Mr. Cameron,--The Petition of James Sanson and others, of the Township of Orillia, County of Simcoe; the Petition of Thomas C. Street, of Clark Hill, County of Welland; the Petition of the Board of School Trustees of the City of Toronto; the Petition of J. Howard and others, of the City of Toronto; the Petition of Peter Robertson and others, of Port Hope; the Petition of Michael McDonagh and others, of the City of Toronto; the Petition of G. Murray Jarvis and others, of the City of Toronto; the Petition of James B. Johnson and others, of the City of Toronto; the Petition of J.S. Crookshank and others, of Barrie; the Petition of J. Gillan and others, of the Town of Barrie; the Petition of Robert Greer and others, of the City of London; and the Petition of Thomas Lamb and others, of the City of Toronto.

By Mr. Hartman,--The Petition of A.W. Campbell and others, of the Township of Whitby, County of Ontario; the Petition of Thomas Driffill and others, of the South Riding of the County of Simcoe; the Petition of A. Farewell and others, of Harmony and vicinity; the Petition of Mrs. Elizabeth B. Roberts and others, of the South Riding of the County of Simcoe; and the Petition of Mrs. Susan Powell and others, of the Township of Whitby.

By Mr. Shaw,--The Petition of the Reverend William Ailkin and others, of Smith's Falls; and the Petition of the Reverend Solomon Mylne and others.

By Mr. Church,--The Petition of Samuel Thompson and others, of the Township of South Gower; and the Petition of Robert Leslie and others, of the Village of Kemptville.

By the Honorable Mr. Chabot,--The Petition of Donald Fraser and others, of Ste. Cécile du Bic, and other Parishes.

By Mr. DeLong,--The Petition of Abel N. Stevens and others, of the Township of Bastard; and the Petition of Alfred C. Booth and others, of the Township of Bastard.

By Mr. McCann,--The Petition of John H. Cleveland and others, of the Township of West Hawkesbury.

By the Honorable Mr. Cayley,--The Petition of the Municipality of the Township of Stephen; the Petition of the Municipality of the Township of Biddulph; and the Petition of the Municipality of the Township of McGillivray.



By Mr. Poulin,--The Petition of the Very Reverend Edouard Crévier, V.G., of Ste. Marie de Monnoir.

By Mr. Fournier,--The Petition of the Reverend D.H. Tetu and others, of St. Roch des Aulnets; and the Petition of Louis Paul Boucher and others, of the Parish of L'Islet.

By Mr. Dostaler,--The Petition of the Mechanics' Institute and Library Association of Berthier.

By Mr. Terrill,--The Petition of the Trustees of Georgeville High School.

By Mr. Sanborn,--The Petition of the Mayors of the Councils of Newport and Hereford; and the Petition of Otis Parker and others, of the Township of Hereford.

By the Honorable Mr. Attorney General Macdonald,--The Petition of John Flanigan, for the Loyal Orange Association of British North America; and the Petition of the Board of School Trustees of the City of Kingston.

By Mr. Bureau,--The Petition of the Reverend F. Morrison and others, School Commissioners of St. Cyprien.

(178)

By Mr. Roderick McDonald,--The Petition of the Mayor and Corporation of the Town of Cornwall.

By Mr. Chisholm,--The Petition of Captain William Wilson and others, of Oakville; the Petition of the Oakville Division Sons of Temperance; the Petition of the Oakville Juvenile Division Sons of Temperance; three Petitions of the Municipality of the Township of Trafalgar; and the Petition of the Reverend James Nisbet, on behalf of the Session of the Presbyterian Church of Oakville.

By the Honorable John Sandfield Macdonald,--The Petition of Malcolm McGillivray and others, of the Townships of Lochiel and Kenyon.

By Mr. Brown,--The Petition of the Reverend Robert Mackenzie and others, of the Town of Barrie; the Petition of the Reverend John Matheson and others; the Petition of the Kirk Session of the Presbyterian Church at Coldsprings; the Petition of the Reverend Francis Dobbs and others, of the Village of Portsmouth; the Petition of the Town Council of the Town of Brockville; two Petitions of the Reverend William McAlister and others, of Metis and Rimouski; and the Petition of the Reverend W.R. Sutherland and others, of the Presbyterian Congregation of Ekfrid and Mosa.

By Mr. Patrick,--The Petition of A.B. Pardee and others, of the Townships of Augusta and Wolford; and the Petition of the Town Council of the Town of Prescott.

By Mr. Aikins,--The Petition of the Reverend James Pringle and others, of the Town of Brompton; the Petition of the Municipality of the Township of Chinguacousy; and the Petition of William Allan and others, of the Township of Chinguacousy.

By Mr. Chapais,--The Petition of the School Commissioners of the Parish of St. Alexandre; the Petition of the Municipal Council of the County of Kamouraska; the Petition of Théophile Boucher and others, of the Parish of St. Alexandre; and the Petition of A. Martineau and others, of the Parish of Ste. Anne de la Pocatière and Township of Ixworth, County of Kamouraska.

By Mr. Alleyn,--The Petition of the Mayor, Aldermen and Councillors of the City of Quebec.

By Mr. Jackson,--The Petition of James T. Hutchinson and others, of the Township of Saugeen; the Petition of Mrs. Mary Gottwals and others, of the Townships of Bentinck and Brant; the Petition of Samuel Fear and others; and the Petition of John G. Ferris and others, of the Town of Meaford and vicinity.

By the Honorable Mr. Attorney General Drummond,--The Petition of the Municipality of the Township of North Stukely, County of Shefford; the Petition of Daniel

Smith and others, of the County of Shefford; the Petition of the Municipality of the Township of Shefford; the Petition of Robert W. Wright and others, Members of the Library Association of St. Johns; and the Petition of the Municipal Council of the County of Shefford.

By Mr. Whitney,--The Petition of the Municipality of the Village of Philipsburg.

By Mr. Angus Morrison,--The Petition of John Alexander and others, of Barrie.

By Mr. Mackenzie,--The Petition of James McNally and others, Members of Concord Lodge of the Independent Order of Good Templars, of the Village of Dunnville; the Petition of James Taylor and others, of St. Patrick's Ward, of the City of Toronto; the Petition of the Municipal Council of the County of Haldimand; the Petition of William Cook and others; and the Petition of the School Trustees of School Section number one, of the Township of Moulton.

By Mr. Holton,--The Petition of Messieurs Knapp and Holmes and others; and the

(179)

Petition of the Reverend George Young and others, of the City of Montreal.

By Mr. Murney,--The Petition of B.F. Davy and others, of the Town of Belleville; and the Petition of C.L. Coleman and others, of the Town of Belleville.

By the Honorable Mr. Lemieux,--The Petition of Philippe Brunette and ... others, of St. Isidore.

By Mr. Ferres,--The Petition of Mrs. Jane Freligh, of the Village of Frelighsburg, widow of the late John Hutchison.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend Joseph Barret, of the Parish of St. Liguori; praying aid for the School in the said Parish.

Of the Reverend C.A. Loranger and others, School Commissioners of the Parish of Ste. Julienne; praying aid for the School in the said Parish.

Of the Municipal Council of the County of Middlesex; of the Municipality of the United Townships of Bathurst and South Sherbrooke; of the Municipality of the Township of Cavan, County of Durham; of the Municipality of the Township of Cartwright; of the Municipal Council of the United Counties of Leeds and Grenville; and of Robert Stevens and others, of the Town of Lindsay; praying for a repeal of the Separate School Act.

Of the Reverend J.B. Chartré and others, School Commissioners of the Parish of St. David, County of Yamaska; praying aid for the School in the said Parish.

Of the Reverend Joseph Maurault and others, of the Parish of St. Thomas de Pierreville; praying aid for the construction of a School House in the said Parish.

Of Godfroy Brisson and others, of the Parish of St. Norbert d'Arthabaska; and G.L. Marler and others, of Drummondville; praying that the annual Grant for Schools may be increased.

Of Noël Hébert and others, of the Parish of St. Norbert d'Arthabaska; praying that those persons who have settled in the Eastern Townships, coming under the name of Squatters, may be protected by law in the rights they have so acquired, and also, that to encourage settlement in the said Townships, a free grant of a lot of land be given to those who intend to become actual settlers.

Of the Mayor, Aldermen, and Commonalty of the City of London; praying for the passing of an Act authorizing them to sell the piece of land at present occupied as a Burial Ground in the said City, and to purchase a more suitable lot with the proceeds thereof.

Of the Mayor, Aldermen, and Commonalty of the City of London; praying for aid to erect a Public Hospital in the said City.



Of the Mayor, Aldermen, and Commonalty of the City of London; praying for certain amendments to the Criminal Law of Upper Canada.

Of Mrs. Helen P. Squier and others, of the Township of Sutton; of the Reverend H. Montgomery and others, of the Township of Sutton; of James Pilson and others, of the Township of Nepean; of George Heron and others, of the Township of Gloucester; of J.B. Macdonald and others, of the Township of Elizabethtown; of J.G. Leavitt and others, of the Town of Brockville; of Charles Symmes and others, of the Town of Aylmer; of C.G. Gourlay and others, of Aylmer and vicinity; of Charles Wilson and others, of the Township of Stanley; of Edwin Rose and others, of the Township of Ernesttown; of J. Wague and others, of the Township of Camden, County of Addington; of Joseph Markham and others, of the Township of Kingston, County of Frontenac; of Benjamin Clark and others, of the Township of Ernesttown, County of Addington; of Robert Lawrie and others, of the Village of Port Dalhousie; of Mrs. Rachel Kinney and others, of the Township of Haldimand, County of Northumberland; of John Shearwin

(180)

and others, of the Township of Alnwick; of John Mulholland and others, of the Township of Haldimand, County of Northumberland; of Stephen Young and others, of the Township of Murray, County of Northumberland; of John Johns and others, of the Village of Thamesford, County of Oxford; of Asa Hallock and others, of the Township of West Zorra, County of Oxford; of Joseph A. Bockus and others, of the Township of Osnabruck, County of Stormont; of the Reverend John Howes and others, of the Township of Osnabruck; of John Wood and others, of the City of Montreal; of Neil McDermid and others, of the Township of Charlottenburgh; of J.W. Denison and others, of the Township of Cleveland; of C.B. Cleveland and others, of Richmond; of John Chambers and others, of the Town of Prescott; of S. Holden and others, of the Township of Augusta; of Abner Hurd and others, of the Township of Reach; of John Bogart and others, of the Township of Whitchurch; of Asa Phillips and others, of the Township of East Gwillimbury; of James Wilkinson and others, of the Township of Goderich; of John Delton and others, of the Town of Goderich; of Hugh McSween and others, of Tilbury East; of John G. Campbell and others, of the Township of Raleigh; of Daniel Clark and others, Students of Knox's College, Toronto; of Isaac Blain and others, of the Township of Bayham; of Mrs. Emily Marlton and others, of the Town of Goderich; of J. Macdonald and others, of the Town of Goderich; of William T. Shaver and others, of the Township of Etobicoke; of E.F. Lancks and others, of the Township of Russell, County of Russell; of Mrs. Jesse DeLong and others, of the Township of Whitby; of Frederick Werden and others, of the Township of Asphodel; of P. Cannon and others, of the Township of Dummer, County of Peterborough; of the Reverend J. Charles Quin and others, of the Township of Osnabruck; of the Reverend Hugh Campbell and others, of the Town of Cornwall; of William Bentley and others, of the Township of Athol; of John Black and others, of the Town of Durham; of Mrs. Catharine McCoppen and others, of the Township of Thorold; of A.V. Burritt and others, of the South-west portion of the Township of Augusta, County of Grenville; of John Crosson and others, of the Township of King; of Joseph Hunter and others, of the Township of King; of Charles Hambly and others, of the Township of King; of Ebenezer Doan and others, of the Township of East Gwillimbury; of Mrs. Maria Pringle and others, of the Township of King; of the Reverend James Elliot and others, of the City of Hamilton; of John Richardson and others, of the Township of Caledon, County of Peel; and of Mrs. Margaret Moscrip and others, of St. Mary's; praying for the passing of a Prohibitory Liquor Law.

Of Louis Lacasse; and of Louis Vincent, (Huron,) of the Parish of Ste. Agnès, County of Saguenay; praying to be recompensed for services rendered during the last War with the United States.

Of the Municipality of the Township of March; and of the Municipality of the Township of Marlborough; praying that means may be adopted to relieve from a heavy personal tax, the rural population of the County of Carleton.

Of the Municipality of the Township of March; of H. Cartier, Mayor, and others, of the County of Vaudreuil; of the Municipality of the Township of Marlborough; and of the Municipal Council of the County of Argenteuil; praying that a Survey may be made in order to ascertain the probable cost of opening a continuous line of water communication from Lake Huron to the St. Lawrence by the Valley of the Ottawa.

Of John McGill Chambers, of the Township of Montague; praying that a new Survey may be made of the Town line between the Townships of Montague and Elmsley.

Of ... F.A.R. Bellefeuille and others, late Municipal Officers of the District of Three Rivers; praying for the payment of certain claims against the said Municipal District.

(181)

Of J. Clovis Bourgeois and others, of the Parish of St. Gregoire le Grand; praying aid for the School in the said Parish.

Of the School Commissioners of the Municipality of the Village de la Côte St. Louis; praying for aid.

Of the Trustees of the College of Coteau du Lac; praying for aid.

Of George W. Phillips and others, of the Town and District of Three Rivers; praying that a Geological Survey may be made on the St. Maurice and its tributaries.

Of the Corporation of Bishop's College in the District of St. Francis; praying for aid.

Of J.S. Brown and others, of the Township of Durham; praying aid for a School in the said Township.

Of the Municipality of the Township of Godmanchester; and of L. Fournier and others, of the Parish of Ste. Magdelaine de Rigaud; praying for certain amendments to the Lower Canada Municipal and Road Act.

Of Basil Charlebois and others,--of J.B.N. Papineau and others,--and of Asa Cooke and others, all of the Municipality of Ottawa, Division number two; of the Municipal Council of the Parish of Ste. Adèle; of the Reverend R. Fournier and others, of the Parish of Ste. Adèle; of the Municipal Council of the County of Laval; of the Reverend J.B. Lemonde and others, of St. Sauveur; of the Reverend M. Brunet and others, of the Parish of St. Jérôme; and of the Municipal Council of the Parish of St. Sauveur; praying to be relieved from the payment of the amount of Stock subscribed for by the said Municipalities in the Montreal and Bytown Railway Company, inasmuch as the said Company have not fulfilled the conditions agreed upon.

Of the Buckingham Academy; praying for aid.

Of the Municipality of the Village of Buckingham; praying for aid to enable them to complete a Bridge over the River du Lièvre.

Of the Municipality of the Village of Aylmer; praying aid for the Ottawa and Prescott Railway Company.

Of the Reverend J.B. Belanger and others, of the Parish of St. Ours; of John McDougall and others, of the Town of Three Rivers; and of the Municipal Council of the County of Essex; praying that a permanent Seat of Government may be established.

Of the Municipal Council of the Parish of L'Ancienne Lorette; praying for the repeal of the Municipal Act of Lower Canada.

Of the Reverend Jean Langevin and others, School Commissioners, and others, of the Parish of Beauport; praying aid for the construction of School Houses in the said Parish.

Of the Reverend Jean Langevin and others, School Commissioners, and others, of the Parish of Beauport; praying aid for Schools in the said Parish.



Of Robert Donaldson and others, of the Township of Chatham; praying that the sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth Concessions of the said Township may be erected into a separate Municipality.

Of the Reverend A.F. Atkinson and others, Church Wardens and Members of St. George's Church in the Town of St. Catharines; praying for the passing of an Act authorizing them to sell a certain piece of land belonging to the said Church, and to apply the proceeds of the sale to pay off a balance now due on the Parsonage House.

Of Hector Dickie and others, of the Township of Brantford; praying for the passing of an Act to protect their property from any damage which may occur from flowage of their lands by the Dam now being erected on the westerly side of the Grand River.

Of George S. Wilkes, of Brantford; praying that power may be given him to construct a Dam on the Grand River.

(182)

Of the Pupils of the Toronto School of Medicine; of W.T. Aikins, M.D., and Henry H. Wright, M.D.; and of John Hutchison and others, of the City of Toronto; setting forth certain grievances, and praying that the Royal Prerogative may be so exercised as will ensure the restoration of Doctors Aikins and Wright to the Toronto General Hospital.

Of L.A. Derome and others, of the Parish of St. Charles Borromée; of Maurice H. Beaubien and others, of the County of Joliette; of Jacques Picard and others, of the County of Joliette; of N. Cornellier and others, of the County of Joliette; and of Louis Levesque and others, of the County of Joliette; praying that the amendments asked for to the [Incorporation Act of the] L'Assomption River and Railroad Company, may not be granted.

Of the School Commissioners of St. Félix de Valois, County of Joliette; praying aid for the School in the said Parish.

Of Joseph Braithwaite and others, of the County of Chambly; and of Henry Henderson and others, of the County of Sherbrooke; praying the passing of an Act for the encouragement of Horticulture.

Of David Trudel and others, of Ste. Geneviève de Batiscan; praying aid to enable them to deepen the River Batiscan.

Of J.C. Trull and others; praying that a Survey may be made of the Broken Front Concession of the Township of Darlington.

Of A. Brown and others, Rate-payers of the Town of Cobourg; praying that a Committee may be appointed to inquire into all transactions relative to the construction and management of the Cobourg and Peterborough Railway Company.

Of W. Kingston and others; of William King and others; of the Reverend James Adams and others; of William M. Ball and others; of the Reverend Donald McLeod and others, of the Presbyterian Church in Cobourg; of the Kirk Session of the Presbyterian Church, Kingston; of John Morton and others, of the Township of McGillivray; of the Reverend John McLaughlan and others, of the Township of Acton, Canada East; of David Savage and others; of the Reverend George Cheyne, on behalf of the Session of the Presbyterian Congregation of the Townships of Saltfleet and Binbrook; and of the Reverend A. Ferrier and others, of the Townships of Seneca and Oneida; praying for the abolition of Sunday Labor in the Post Office Department, and on the St. Lawrence Canals.

Of Stephen Young, of the Township of Murray; praying that power may be given to the Municipalities to provide for indigent persons.

Of David Doty and others, of the Township of East Nissouri; praying for certain amendments to the Municipal Act of Upper Canada<sup>2</sup>, and also, the appointment of a Commission to inquire into the financial state of the said Township.

Of the Town Council of the Town of Woodstock; praying for the passing of an Act revesting in the Crown all Lands commonly known as Clergy Reserves, and for other purposes.

Of E.S. White and others, of the Township of Barnston; praying aid for the School in the said Township.

Of E.S. White and others, of the Township of Barnston; praying aid to enable them to liquidate the debt on the School House in the said Township.

Of Levi Baldwin and others, Trustees of the Coaticook High School; praying for aid, and also, for the passing of an Act incorporating the said High School.

Of the Trustees of the Charleston Academy; praying for aid.

Of the Trustees and others, of the Mount Royal Cemetery; praying for certain amendments to their Act of Incorporation.

Of Charles T. Dubé and others, of the Parish of Trois Pistoles; praying aid to open a Road from Trois Pistoles to Lake Temiscouata.

Of T. Young and others, of the Town of Georgetown; and of Alexander Calder, Pres-

(183)

ident, and others, Members of the Canadian Protestant Association of Kingston; praying for an inquiry into the causes of the denial of justice in consequence of the suspension of the Laws, as lately occurred on the Trial of the Murderers of Corrigan.

Of the Reverend Richard A. Carden, of the City of Quebec; praying for remuneration as Missionary to Seamen at the Port of Quebec.

Of the President and Directors of the Shefford Academy; praying for aid.

Of the Quebec Library Association; praying for aid.

Of the Reverend George Mackie, President, and others, the Committee of Management of the National Schools of Quebec; praying for aid.

Of the Literary and Historical Society of Quebec; praying for aid.

Of the Reverend G.L.E. Duhault and others, of Windsor and other Townships; praying for aid to open out certain Roads in the said Townships.

Of R.A. Webber, President, and others, Trustees of St. Thomas College; praying for aid.

Of Judith Elot Julien, widow of the late C.F. Tremblay; praying for aid.

Of the Reverend Charles Léon Vinet and others, of the Parish of St. Constant; praying aid for the School in the said Parish.

Of Toussaint Lefebvre, President, and others, Members of the Literary Society of the Village of Laprairie; praying for aid.

Of the Reverend N.F. Hébert and others, School Commissioners of the Parish of St. Louis de Kamouraska; praying for aid to enable them to pay off the debt due on the School House in the said Parish.

Of J.G. Blanchet and others, School Commissioners of d'Aubigny, Parish of Notre Dame de la Victoire; praying aid for the School of the said Parish.

Of the Municipality of the Township of Warwick; praying that no alteration may be made in the present territorial position of the County of Lambton.

Of the Reverend F.X. Delage and others, School Commissioners of the Parish of L'Islet; praying aid for the School in the said Parish.

Of the Reeves and Deputy Reeves of the County of Bruce; praying that the Town of Penetangore may be made the County Town of the County of Bruce.

Of George Byron Lyon, of the City of Ottawa, in Upper Canada, Esquire, M.P.P.; praying that the name of "Fellowes" may be added to his present name.

Of John Prince and others, of the County of Essex; praying for certain amendments to the Game Laws.

Of the Municipality of the Township of Saugeen; praying for the passing of an Act to authorize the construction of a Harbour of Refuge at Saugeen.

Of the Reverend J.B. Gagnon and others, of the Parish of St. Jean Baptiste de l'Isle Verte; praying aid for a Female Academy in the said Parish.

Of the Reverend A. Beaudry and others, School Commissioners of the Parish of St. Etienne de la Malbaie; praying aid to complete an Academy in the said Parish.

Of the Reverend A. Beaudry and others, School Commissioners of the Parish of St. Etienne de la Malbaie; praying aid for a Superior School in the said Parish.

Of the Town Council of the Town of Cornwall; praying that instructions may be given to the proper authorities to grant as many new water privileges on the Cornwall Canal, within the limits of the said Town, as can be granted without injury to the said Canal.

Of the Municipal Council of the County of Argenteuil; praying that a Circuit Court may be established in the said County.

Of John M. Gibson and others, of the County Town of Lachute, Teacher; praying that a Committee be appointed in order to disprove certain charges made against him.<sup>3</sup>

Of Robert Daugles and others, of the Township of Elmsley; praying that the

(184)

Survey made by Mr. Cromwell of the line between the ninth and tenth Concessions of the said Township be not allowed.

Of the Mercantile Library Association of Montreal; praying for aid.

Of the Quebec Board of Trade; praying that immediate steps may be taken to erect a Light House on Bird Rock and Cap Auguille in the Gulf of St. Lawrence.<sup>4</sup>

Of the Reverend E. Baillargeon and others, of the Parish of St. Nicholas, County of Lévis; praying aid for a Model School in the said Parish.

Of the College of Ste. Magdelaine de Rigaud; praying for aid.

Of H. Cartier, Mayor, and others, of the County of Vaudreuil; of the Municipality of the Parish of St. Michel de Vaudreuil; and of the Municipality of the Parish of Ste. Jeanne de l'Isle Perrot; praying that the Municipal and Road Act of 1847 may be substituted for that of 1855.

Of the Reverend Louis Léandre Pominville, Curé, and Pierre Charles Valois, of the Parish of St. Joachim de la Pointe Claire, Notary; praying aid for a Female Academy under the care of the Sisters of the Congregation in the said Parish.

Of the Reverend L.L. Pominville, Curé, of the Parish of St. Joachim de la Pointe Claire, County of Jacques Cartier; praying aid for a Model School in the said Parish.

Of the Literary Institute of the Parish of St. Michel, County of Bellechasse; praying for aid.

Of John Montgomery, of the Township of York, Hotel-Keeper; alleging that the Queen's Forces took possession of his extensive Hotel and offices on the 7th December, 1837, and burned them to the ground after the Rebels were defeated and had retired, and praying remuneration for losses thereby sustained.

Of E.F. Bowen and others, of the Town of Sherbrooke; praying aid for the construction of a Lunatic Asylum at or near the said Town.

Of the Municipality of the Township of Burford; praying that no change may be made in the present line between the fourteenth and fifteenth Concessions of the said Township.

Of John Fleming; praying to be indemnified for damage sustained by the making of a Government Road through his property.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the



7th instant, praying His Excellency to cause to be laid before the House, a Return, shewing, First, The number of acres of land originally set apart for the Endowment of the University of Toronto and the Upper Canada College respectively. Second, The number of acres sold up to the passing of the Act 16 Vic. cap. 89. Third, The amount of the principal of the Income Fund of the University of Toronto and the University College, and of the Upper Canada College and Royal Grammar School respectively, the lands unsold to be estimated at their probable value. Fourth, The Income arising from such principal Funds respectively during the last year, shewing what part of such Income was obtained for fees for tuition, examination, degrees, certificates of honor, or otherwise from scholars. Fifth, The cost of the buildings and expense up to this time of fitting up the grounds which formerly belonged to the University of Toronto. Sixth, The cost of the buildings and expense up to this time of fitting up the grounds which formerly belonged to the Upper Canada College. Seventh, The quantity and situation of the land and property vested in the Crown for the use of the above-named University of Toronto and University College, or the Upper Canada College and Royal Grammar School, which up to this time has been assigned by the Governor in Council under the authority of the 56th section of the Act 16 Vic. cap. 89,

(185)

for the use and purposes of such Institutions or either of them, and the probable value thereof, with the date of any order making such assignment. Eighth, The amount of any appropriation made by the Governor in Council, under the 59th section of the said Act, up to this date, for permanent improvements or additions to the buildings on said property, or for any other purpose which has not already been expended, and the date of the order for such appropriation. Ninth, The number of Professors or Teachers employed in the University College, with their salaries and perquisites respectively, and the number of scholars taught by each Professor during the past year, and the average number taught by each Professor during such period; also, the total and average number in attendance at said College during such time. Tenth, The residence of the Parents or Guardians of such scholars, whether within or without the City of Toronto, to be given in number. Eleventh, The same information respecting the Upper Canada College and Royal Grammar School. Twelfth, The annual expense of managing the Endowment and General Income Fund of such Institutions respectively. Thirteenth, The total expense of the above Institutions respectively during the past year, including the salaries of the Professors and Officers. Fourteenth, The amount of the surplus of the University Income Fund now remaining on hand at the disposal of Parliament, for Academical Education in Upper Canada.

For the said Return, see Appendix (No. 11.)

Return to an Address of the Legislative Assembly, dated 28th February, 1856, for Copies of all instructions, papers, or correspondence between the Imperial Government and the Provincial Authorities of this Province on the subject of Reciprocal Trade between Canada and the other North American Colonies, the West India Islands or Foreign Countries, together with copies of all correspondence which may have been communicated to His Excellency between the Secretary of State, the Colonial Minister, and the Governments of Guiana, Barbadoes, or any of the West India Islands on their Commercial intercourse with Canada.

For the said Return, see Appendix (No. 28.)

The Honorable Mr. Cartier also laid before the House, by Command of His Excellency the Governor General,--General Report of the Commissioners of Public Works, in accordance with the provisions of the Act 9 Vic. cap. 37.

For the said Report, see Appendix (No. 31.)



*Ordered, That the Petition of Abraham Dubuc and others, of l'Isle de la Fourche and of the Parish of St. Monique, be referred to the Standing Committee on Miscellaneous Private Bills.*

*Ordered, That the Petition of L.A. Derome and others, of the Parish of St. Charles Borromée; the Petition of Maurice H. Beaubien and others, of the County of Joliette; the Petition of Jacques Picard and others, of the County of Joliette; the Petition of N. Cornellier and others, of the County of Joliette; and the Petition of Louis Levesque, of the County of Joliette, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the First Report of the said Committee; which was read, as followeth:--*

*Your Committee have examined the Bill to facilitate the disuniting of the Counties of Lincoln and Welland and to erect the latter into an independent Municipality*

(186)

*for Judicial and other purposes, and have agreed to report the same, without any amendment.*

*They have also examined the Bill to enable John Watson, of the Village of Ayr, in the County of Waterloo, to construct a Dam and Water-course for manufacturing and other purposes, and to take all lands necessary therefor; and they find that certain of the lands required to be taken for this purpose are the property of Minors, and cannot in consequence be sold without the authority of the Court of Chancery. The other powers proposed to be granted Mr. Watson by the Bill are not of such a nature as to require the interposition of the Legislature, and Your Committee are therefore under the necessity of reporting that the Preamble of the Bill is not proven. They would, at the same time, beg leave to recommend, under the circumstances of the case, that the usual Fee be remitted.*

MR. BUREAU.--Je propose, M. le président, les résolutions suivantes:<sup>5</sup> que l'agriculture est un des principaux éléments de prospérité et de richesses pour le Canada.

Que pour en développer toutes les ressources, il importe de favoriser l'établissement des terres incultes dépendant du domaine de la couronne.

Que des octrois gratuits de terre doivent être faits aux habitants qui se partagent le sol du Canada, pour faciliter la colonisation, empêcher l'émigration, et par là favoriser l'agriculture, alimenter le commerce et l'industrie.

Qu'il est important de choisir dans le Haut et Bas-Canada pour cette fin, une étendue de terre suffisante propre à la culture, accessible par de bonnes voies de communication.

Que l'acte d'emprunt municipal, 16 Vic., chap. 22, devrait être amendé de manière à permettre aux municipalités du Bas-Canada d'effectuer un emprunt pour favoriser les colons du Bas-Canada, et les aider au défrichement et à l'établissement des terres qui seraient ainsi données pour les fins de colonisation.<sup>6</sup>

[La proposition est] secondé[e] par MR. J. DORION<sup>7</sup>.

[MR. BUREAU:] M. l'Orateur,--La lecture de ces résolutions énonce suffisamment l'objet que je désire obtenir--c'est de favoriser l'agriculture et empêcher l'émigration canadienne. Dès l'année 1848 il s'opéra dans le Bas-Canada un mouvement des plus patriotiques. Tous les Canadiens les plus éminents, tous ceux qui désir[ai]ent

voir grandir et prospérer la grande famille canadienne, firent des efforts pour favoriser l'agriculture, et empêcher l'émigration. Sachant que le Canada possède d'immenses territoires; que des forêts encore vierges peuvent être converties en des champs produisant d'abondantes moissons, on attira l'attention du gouvernement sur un sujet aussi important. A la tête du mouvement nous comptions entr'autres personnes l'Evêque de Montréal et l'hon. L.J. Papineau, et nous comptions aussi l'Institut-Canadien de Montréal. L'oeuvre de colonisation ayant pour partisans des hommes aussi dévoués ne pouvait manquer d'exercer une légitime influence sur le pays et sur le gouvernement. Je dois dire que le ministère Baldwin-Lafontaine ne recula pas devant son devoir, et ce ministère s'engagea à seconder les efforts de ceux qui avaient à coeur de développer une des principales sources de richesse du pays. M. l'Orateur, ce que je désire c'est qu'une oeuvre aussi patriotique soit reprise; ce que je désire c'est que cette chambre rende justice à la classe agricole. Si on néglige plus longtemps les intérêts de cette classe nombreuse et importante de la société, je ne crains pas d'avancer qu'il s'opérera un mouvement en dehors de cette chambre dont l'influence se fera bientôt sentir dans cette chambre. Le peuple est patient; il souffre longtemps avant de formuler ses griefs, mais une fois qu'il les a formulés il en demande immédiatement le redressement. S'il n'obtient point les réformes aussi larges qu'il les désire, sa philosophie lui en donne la raison dans l'imperfectibilité des choses humaines. Représentant un comté rural, un des plus riches et des plus prospères du Bas-Canada, et ayant l'avantage de vivre au milieu de ses habitants, je sais que nos cultivateurs accueilleront avec bonheur l'octroi de terres qui seraient offertes pour la colonisation.

Pourquoi cette chambre et le ministère n'adopteraient-ils pas, au sujet de la colonisation, la politique du ministère Lafontaine-Baldwin? Pourquoi ne seraient-ils pas disposés à faire les sacrifices convenables pour donner plus d'extension à l'agriculture? M. l'Orateur, pour engager cette chambre et le ministère à donner à la colonisation l'attention la plus sérieuse, je vais citer quelques extraits d'une lettre du secrétaire provincial en date du 10 juin 1848. Le gouverneur, avisé par ses ministres, s'exprimait ainsi:

3e paragraphe. "Son excellence est d'avis que la prospérité et la grandeur futures du Canada dépendent beaucoup du parti que l'on tirera des terres maintenant vacantes et improductives, et son excellence pense que le meilleur usage que l'on en puisse faire est de les couvrir d'une population de colons industriels, moraux et contents.....

Fin du 6e paragraphe. "Car, en même tems que le Canada offre une nouvelle patrie à l'émigré du Royaume-Uni et qu'il est évident, dans l'intérêt de cette province, que sa population s'accroisse et s'étende par tous les moyens possibles sur toute l'étendue de son territoire, aucune classe, à l'avis de son excellence, n'a plus de droits aux avantages de cette extension que les descendants des premiers colons dont les patients et persévérants travaux en tems de guerre ont tant fait pour l'avancement et la défense de cette partie des domaines de sa majesté."

M. l'Orateur, telle était l'opinion de Lord Elgin, telle était l'opinion de ses ministres. On ne peut après tout que rendre justice aux vainqueurs de Chateauguay, à ceux qui dans deux différentes circonstances ont conservé au prix de tous les sacrifices, au prix de leur sang, cette colonie à l'Angleterre. Ce territoire que les Canadiens ont conservé ne peut certes pas leur être refusé. Il[s] doivent avoir une part dans son domaine, et j'espère qu'à ce sujet on reconnaîtra la justice de la cause de la classe agricole, et que le gouvernement offrira aux enfans du sol en particulier des terres à titre gratuit; j'espère qu'on mettra à effet les décisions du ministère Baldwin-Lafontaine. Les motifs qui ont porté le gouvernement en 1848 à favoriser la colonisation et à donner gratuitement des terres aux colons pour favoriser également le riche et le pauvre, sont justifiés dans un document parlementaire

de 1849. Je veux faire allusion à un rapport de cette chambre préparé dans un comité présidé par l'honorable M. Chauveau et dont faisaient partie les honorables députés pour Nicolet, L'Islet et Rimouski. J'attirerai l'attention de cette chambre sur les 4<sup>me</sup>, 6<sup>me</sup>, 7<sup>me</sup> et 8<sup>me</sup> articles de cet intéressant rapport, où l'on énumère avec habileté (sic) en vérité les causes de l'émigration et où l'on recommande fortement la colonisation comme la principale source de richesse et de prospérité du Canada. Je me dispenserai de lire les citations auxquelles je réfère pour ne pas occuper inutilement le temps de cette chambre, mais j'engage les honorables membre[s] des deux côtés de cette chambre à recourir à mes citations.

Maintenant, qu'il me soit permis de dire que les mêmes causes de l'émigration existent,—et que cette chambre doit être prête à faire tous les sacrifices pour en arrêter le progrès. L'émigration n'a pas lieu dans la même proportion dans les comtés avoisinant les terres de la couronne où l'on peut se procurer des terres avec avantage et à bas prix.

Qu'a-t-on fait dans le Canada pour l'agriculture? A-t-elle reçu la même protection que le commerce? Jetons un rapide coup d'oeil sur le passé et l'on pourra se convaincre exactement de la vérité. Le commerce a reçu du trésor public 4,073,333L, outre les dépenses annuelles qui sont faites pour favoriser les grandes voies du commerce. Ce qui a été dépensé pour favoriser l'agriculture ne s'élève qu'à 1,165,000L courant, en supposant que la somme de 500,000L courant sera affectée pour le rachat des droits seigneuriaux. Dans cette somme de 1,165,000L, celle de 665,000L a été employée pour ouvrir des chemins et faire des ponts. Et pour l'édification de l'honorable membre pour Haldimand, je dois dire que le Haut-Canada a eu pour sa part au-delà de 400,000L et la balance a été donnée au Bas-Canada. Ainsi dans ce cas comme dans un grand nombre d'autres, le Bas-Canada n'a pas été le plus favorisé.

Evidemment le commerce a été plus favorisé que l'agriculture. Le montant des droits prélevés dans le Haut et le Bas-Canada sur les différentes classes de la société se sont élevés dans les dernières années à 1,224,751L. Ces droits sont payés par une population de 1,842,265, en prenant le chiffre du recensement de 1852. Voyons, M. l'orateur, quelle classe de la société contribue pour la plus large part dans ces revenus (sic) de la province. Quand on considère les articles qui sont sujets à l'impôt dans cette colonie, il est facile de se convaincre que toutes les classes de la société fournissent leur contingent, et que la classe agricole, qui est beaucoup plus nombreuse, paye en taxe indirecte la plus forte somme. Il faut bien se convaincre que relativement aux divers articles sujets à l'impôt, nos cultivateurs ne sont point des producteurs, mais bien des consommateurs, de même que les populations des villes. Quel est le nombre de ceux qui, dans les villes de cette province, paient des impôts? Ce nombre, M. l'orateur, est bien petit.

Il n'y [en] a que 213,816 qui contribuent au trésor public dans les villes. Et le nombre des habitants de nos campagnes qui paient leur tribut à ce trésor est de 1,628,449. Cependant les premiers ont reçu pour développer leurs ressources commerciales 4,073,333L, et les agriculteurs n'ont reçu que la somme de 1,165,000L.<sup>8</sup> Proportionnellement à leur nombre, au total de leurs richesses, aux services qu'ils rendent à l'Etat et à la part qu'ils prennent à la prospérité de la province, les cultivateurs n'obtiennent pas du gouvernement toute l'attention à laquelle ils ont droit. Le commerce est le grand soleil du jour; il attire tous les regards, le culte de presque chaque homme politique; il pompe à lui toutes les faveurs administratives; il échauffe le zèle de la grande majorité et, pendant ce temps, l'agriculture, la mère de tous, la source première de toutes les richesses, la vraie mamelle du pays, l'agriculture est abandonnée à ses propres forces. C'est-à-dire que les gens des villes monopolisent presque tout le revenu et laissent fort peu à distribuer aux gens des campagnes.... N'a-t-on jamais été frappé, M. le président, par la



grandeur et l'injustice de cette disproportion?<sup>9</sup> Le commerce comme l'agriculture ont droit à une égale protection; il ne faut pas plus favoriser l'un que l'autre, car ce sont les éléments de richesse et de prospérité du Canada. Ils ne peuvent vivre que de la même vie. Quand l'agriculture prospérera, le commerce prendra plus de vigueur ainsi que l'industrie.

M. l'orateur, quand on considère l'immense territoire du Canada formant près de 40,000 lieues en superficie; quand on considère qu'il n'y a de possédées, appartenant à des corporations ou à des particuliers, que 3,000 lieues en superficie, laissant ainsi 37,000 lieues à la disposition de la colonisation, on ne doit point se dissimuler que l'oeuvre de la colonisation est l'oeuvre la plus patriotique possible. Tout gouvernement qui négligera de développer les richesses infinies que nous offre le Canada, perdra immédiatement la confiance et l'appui de nos populations. Pas un pays ne possède plus de richesses naturelles. Nos lacs, nos fleuves et nos rivières qui sillonnent notre territoire n'ont rien de comparable. Nos montagnes comme nos vallées sont des plus propres à l'agriculture et à l'horticulture.

Ne sont-ce pas nos cultivateurs qui sont appelés à développer tant de richesses naturelles? ne sont-ce pas nos habitants des campagnes qui, dans quelques centaines d'années, auront transformé nos forêts en des champs fertiles et les auront couvertes d'une population morale et industrielle.

Pour que l'émigration progresse, M. l'orateur, il faut offrir aux colons un territoire propice à des fins agricoles, leur donner des moyens de communication facile. Il serait important que le territoire que l'on offrirait aux colons ne fut pas dépouillé de ses bois les plus riches, pour en donner le profit aux colons. Avec un bon système de colonisation nous verrons le Bas-Canada prospérer; nous verrons sa population s'accroître rapidement, car les moyens de subsistance sont toujours la mesure de la population. Faisons tous les sacrifices pour l'agriculture et pour arrêter le progrès de l'émigration. Pour bien se convaincre de l'importance du sujet, qu'on se rappelle qu'en 1849 il a été constaté que pas moins de 50,000 personnes émigraient du Bas-Canada dans une période de dix années seulement, c'est-à-dire un dixième de la population du Bas-Canada. M. l'orateur, je n'ai aucun doute que si l'on s'occupe activement de colonisation dans le Bas-Canada, notre population dépassera bientôt de beaucoup celle du Haut-Canada. C'est une sage politique de notre part de s'occuper de colonisation.<sup>10</sup> J'ai tout lieu de penser en effet, que le système de colonisation adopté en 1848 pour l'ouest de la province, a contribué plus que tout autre chose à la prospérité de ce pays et à l'espèce d'ascendant qu'il a acquis dernièrement sur le nôtre. D'un autre côté, rien ne me porte à croire que le Bas-Canada soit sous le rapport géographique ni sous tout autre rapport, tellement différent de l'autre partie de la province que ce qui a fait la fortune de l'un ne doive pas contribuer à la richesse de l'autre.<sup>11</sup> Quand le Haut-Canada constatera nos progrès, et verra que notre population prendra une très grande proportion, on cessera d'agiter la question de la représentation basée sur la population. Si la colonisation n'a pas produit des résultats avantageux dans le Bas-Canada, c'est que malheureusement les grands propriétaires en sont la cause. Dans le Haut-Canada les grands propriétaires n'ont point offert une barrière à l'émigration. Ces grands propriétaires ont fait leur profit en disposant de leurs terres le plus tôt possible.

M. l'orateur, le dernier paragraphe de mes résolutions a rapport au fonds municipal. Je désirerais voir profiter le Bas-Canada du million et demi qui est à sa disposition. Je désirerais que les municipalités en fassent un emploi sage et judicieux. Je désirerais que cette somme fut répartie entre toutes les municipalités du Bas-Canada avec autant d'égalité et de justice que possible. Comme toutes les municipalités ne sont pas appelées à construire des voies ferrées, des ponts, des chemins, donnons aux municipalités le droit d'avoir une partie du fonds municipal



accordé par l'acte 16 Vic., chap. 22, pour employer ce fonds à favoriser la colonisation. Toute somme ainsi utilisée produira d'immenses avantages aux colons et à l'agriculture, et suppléera, pour le moment, au défaut de banques de crédit foncier et agricol[e]. Des capitaux offerts à nos cultivateurs à six pour cent, remboursables dans 20 ou 30 ans, est un avantage que personne ne pourra contester. On me demandera peut-être comment opérerait mon système. En peu de mots je vais le dire. Une municipalité a le droit, je suppose, d'avoir 50,000L, elle veut en affecter une partie pour la colonisation. Comme le gouvernement tient pour responsable et débitrice la municipalité, cette dernière doit avec autant de prudence que de sagesse disposer de cette somme de 50,000L en ne la prêtant que sur de bonnes garanties hypothécaires. Quels sont les pères de familles qui ne se porteraient point caution pour leurs enfans et qui ne seraient point heureux d'être à même par là de favoriser l'établissement de leurs enfans? D'ailleurs ces sortes de transactions sont conformes à nos moeurs, et chacun en reconnaît les avantages.

En somme je dois dire que l'agriculture est la principale source de richesse du Canada. Quand on considère qu'il n'y a dans le Haut et le Bas-Canada que sept millions d'acres de terres en culture qui donnent un revenu annuel de plus de 385,500,000L courant, on peut anticiper avec orgueil que le Canada est destiné à former une grande nation. Mais pour cela il importe d'avoir une administration libérale et sincèrement disposée à développer nos ressources agricoles, commerciales et industrielles.<sup>12</sup>

[MR. COM. CR. LANDS CAUCHON:] La première résolution ... est un axiome qui n'a nullement besoin de la sanction de la chambre. La seconde est un corollaire de la première. Une fois admis que l'agriculture est la source de la richesse d'un pays, il devient évident qu'il faut autant que possible coloniser ce pays. Quant à [la] troisième résolution, à l'exception de ce qu'elle renferme relativement aux concessions de terre gratuites, n'ai-je pas le droit de dire qu'elle découle naturellement des deux autres? Eh! oui, pour coloniser un pays, il faut des bras; il est donc urgent d'empêcher l'émigration. De plus, chacun sait qu'en encourageant l'agriculture, on donne un nouvel élan au commerce et à l'industrie.

Quant à ce qui est de faire des concessions de terre gratuites, le gouvernement le peut déjà lorsqu'il le jugera convenable; il l'a essayé plus d'une fois et il s'est aperçu, à son grand regret, sans doute, que les colons préfèrent acheter des terres souvent médiocres aux spéculateurs, qui les leur font payer le plus cher possible, plutôt que d'aller s'établir sur les terres que le gouvernement met libéralement à leur disposition. C'est une anomalie peut-être; c'est incompréhensible; mais c'est un fait.

Le député de Napierville se plaint de voir ce commerce accaparer les faveurs de l'administration, mais le commerce, comme il le dit lui-même dans ses résolutions, n'est-il pas la conséquence de l'agriculture et tout ce que l'on fait pour l'un, ne tend-il pas à favoriser l'autre? Les canaux et les routes de toutes sortes, qui sont les grandes artères du commerce, ne contribuent-elles (sic) pas directement à la prospérité de l'agriculture en facilitant l'accès des campagnes, l'importation des provisions nécessaires aux cultivateurs et le transport des produits agricoles? Le gouvernement dans ce but, ouvre partout de nouvelles routes, par ce moyen répand l'argent du trésor dans les campagnes, dépense, par exemple, 4,000 louis dans le Saint-Maurice, et, loin de vouloir donner gratis les terres du domaine en présence de tels avantages, il est arrivé à la conclusion que ceux qui prendraient des terres de chaque côté des routes, auraient à payer plus cher que les colons qui s'établiraient derrière eux.<sup>13</sup> The prices of land sold by the Crown ranged at present from 1s. 3d. to 2s and 3s and acre.<sup>14</sup> Pour ce qui est de mettre à part une certaine étendue de pays dans les deux provinces, où l'on attirerait ensuite les colons,

c'est un mauvais système qui n'a jamais réussi. Malgré toute leur bonne volonté, les sociétés de colonisation n'ont jamais attiré que la ruine sur la tête de ceux qui les ont fondées. Il vaut mieux laisser un libre élan à l'industrie, à la volonté, au travail, à l'énergie de chacun, plutôt que de parquer des familles de cultivateurs dans un lieu où elles ne se rendraient peut-être qu'avec déplaisir.<sup>15</sup> As to the last resolution, he contended that its tendency was very dangerous. To give the powers therein mentioned to municipalities would be to give them attributions very different from their true use. The money given for the purposes of commerce, was not given solely for that purpose,--because all works having a tendency to improve trade, augment the profits of the agriculturists. The hon. gentleman concluded ... by promising to submit to the House, at an early day, a measure on this subject.<sup>16</sup>

MR. DUFRESNE.--Bien que j'approuve, M. l'orateur, l'esprit qui a dicté ces résolutions, je crois devoir m'élever contre elles. Les quatre millions du revenu dépensés (sic) en faveur du commerce contribuent directement à la prospérité de l'agriculture; car qu'est-ce que le commerce, sinon l'agent de l'agriculture? Si le commer[ce] importe de l'étranger, n'est-ce pas pour le bien du cultivateur autant que pour l'habitant des campagnes? S'il exporte, au contraire, du Canada surtout, n'est-ce pas les produits du cultivateur?

Je suis donc de l'avis de l'hon. commissaire du domaine, mais non point sur tous les points. Je ne crois pas, par exemple, qu'il soit impossible aux sociétés de colonisation de réussir.<sup>17</sup>

MR. COM. CR. LANDS CAUCHON.--Aussi n'est-ce pas ce que j'ai dit. J'ai seulement prétendu que, par une espèce de fatalité, ces sociétés n'avaient jamais réussi et que dans l'avenir il en serait de même.<sup>18</sup>

MR. DUFRESNE.--Mais pourquoi n'ont-elles point réussi? C'est qu'on appelait au sein des campagnes incultes, des gens des villes pour lutter contre la nature. Voilà la seule cause de l'insuccès. Mais, avec des cultivateurs habitués aux privations et rudes travaux des champs, ces sociétés réussiront. Je diffère (sic) aussi en ce qui a rapport aux terres données gratuitement. Si les colons semblent les dédaigner, ce qui serait fort peu naturel, c'est que les agents jettent plusieurs obstacles à leur acquisition. Il est à ma connaissance personnelle, que des colons ont été évincés dans leurs demandes par les réponses évasives des agents. A la fin, ennuyés de tous ces délais, ils se décidaient à acheter des terres aux particuliers. Pour ce qui est de permettre aux municipalités de contracter des emprunts dans un but de colonisation, j'oserais dire, M. le président, que c'est déjà trop qu'elles aient ce privilège pour les chemins de fer, du moins dans quelques cas. Non, pour favoriser la colonisation, il faut très peu d'innovation. Il suffit de continuer comme on a commencé, d'ouvrir le plus de routes possibles (sic), et d'avoir principalement de bons et con[s]ciencieux agents de terres du domaine.<sup>19</sup>

MR. BELLINGHAM did not think the Hon. Commissioner of Crown Lands had been sufficiently specific in his remarks. It appeared to him that the system of free grants now adopted by the Crown Land[s] Department was not calculated to do justice to the early settlers of the country. If such grants were made, he thought the children of the early settlers were entitled to consideration before strangers from any country whatever. It appeared to him that the best blood of the country was leaving the soil, which they would not do if these free grants were considerably made.<sup>20</sup> It was, he made no question, a pecuniary object with the Government to do this as an income of two dollars per annum was realized upon each settler; but it

was doing an injustice to the children of those men who entered the forest 30 or 40 years ago and cleared for themselves a home. Now if the Government intended to afford facilities to foreign settlers to come and settle in Canada to the exclusion of the children of the soil, it was fully time for them to declare their policy. But it is a positive hardship to the original settlers that a distinction should be made at present between them and strangers, because they were ready to pay the amount the Government required. This amount varies along the north and south shores of the St. Lawrence from five shillings to one and six pence, and notwithstanding the labours and hardships endured by the original settlers in bringing their lands to a state of cultivation, a stranger had only to come and pay 5s. per acre and he would obtain the same lands, thus depriving him [the settler] of a right to which he was entitled by long previous occupation. (Hear, hear.) And on the other hand it is of no use to make grants of land that are so poor and sterile that very little produce could be obtained from them; which indeed if it were, no markets are convenient to bring them to, nor roads made for their conveyance.<sup>21</sup> It was the duty of the Government to open out all the great routes of communication through the country; but such was not attended to. The hon. member for Monca[il]m had referred to a large plateau excellent for settlement; but in order to reach it they had to pass a mountainous range, which it would be necessary to open out in some way, in order that the settlers might have the advantage of a market for their produce; but the Government will not open this road.<sup>22</sup> Another subject to which he would refer, is the system of taxation in Lower Canada, which deters speculators in land from buying it, though he did not see the reason why such difficulties should be thrown in their way, as speculation was recognised in the United States, and did not result in any fearful calamity. He could give instances of individuals who, 30 years ago, were deluded by the promises of the Government to settle in Upper Canada, and who are still miserably poor, whilst others who came out at the same time, and who did not attach such belief to the Government's alluring promises, went to the States and became rich. Now, sir, if there is any class entitled to consideration, it is these men, who 30 years ago entered the forest, and there is nobody [who] could inform you more of the hardships they suffered than they.<sup>23</sup> And they could not even now get titles gratuitously as they were led to expect..., whereas he understood that on the Ottawa there were many Germans and other strangers settling on gratuitous grants.<sup>24</sup> But he informed the House that he had no sympathy with strangers, who were induced to enter the country either through motives of religion or colonization. (Hear, hear.)<sup>25</sup>

MR. COM. CR. LANDS CAUCHON briefly replied to the remarks of the hon. member for Argenteuil. He said he was sure the whole of the hon. gentleman's speech would be concentrated on his own county.<sup>26</sup> The argument of the hon. member was very unreasonable. The hon. gentleman by advocating the course that he had, merely wanted to make himself popular to his constituents, and wanted to get the land for nothing. All the Crown Lands' Department asked for the lands, was one shilling and sixpence per acre, but the land could not be given for nothing when there was no privilege warranting that.<sup>27</sup> The persons to whom the hon. member had referred just occupied the position of squatters, because they had settled on the land after the expiration of the time to which the free grants had [been] extended. It was not too much in such a case, he thought, that these persons should be called upon to pay 1s. 6d. an acre or \$5 a year for five years in order to procure their title, if they had occupied the land for so many years free of any charge whatever.<sup>28</sup> He was in favor of opening up roads, but he would make them only through the good lands, which would be settled by people who would, when settled, maintain the road, and afterwards give a value to the inferior lands in the neighborhood.<sup>29</sup>



MR. BELLINGHAM repudiated the idea of making a speech for popularity. He stated that when the free grants were made to the parties to whom he had referred, it was at the time of a certain election; but there was no use for going into the matter.<sup>30</sup> What could be thought of the manager of such a department allowing a settler to remain for twenty-five years in this way, and then for the Government to come down upon them afterwards?<sup>31</sup>

MR. COM. CR. LANDS CAUCHON said the charge was only 1s 6d per acre.<sup>32</sup>

MR. BELLINGHAM did not see that any favour was conferred upon the settler by charging that price. It was the price always charged for such lands. The country would be settled much quicker if a man were told by the Department what they would do at once. Either oust him from the land if he would not pay the price, and in case of a poor man whose poverty could be proved make him a present of the land.<sup>33</sup>

MR. J. DORION (Drummond) dit que lorsqu'il seconda la proposition de son ami de Napierville, il savait qu'elle ne serait pas adoptée, mais il était certain que la discussion (sic) qui naîtrait de cette proposition, de tous les côtés de la chambre, serait des plus utiles. Il n'avait pas l'intention de parler longtemps sur ces résolutions, car son ami en avait exposé toute la portée.

Durant le débat, des opinions avaient été émises qu'il ne pouvait laisser passer sous silence. On avait dit que le système des octrois gratuits aux défricheurs n'avait réussi nulle part. Il ne pouvait pas admettre cela et il déclarait que ceux qui prétendaient que c'était le cas, connaissaient bien peu ce qui s'était passé dans l'établissement des terres incultes dans les townships du Bas-Canada, au moins.

On savait très bien qu'en 1848, on fit une enquête sur les causes de l'émigration des Canadiens aux Etats-Unis et que l'on fit des efforts pour arrêter cette émigration en facilitant la colonisation des terres incultes. Des associations s'organisèrent dans le Bas-Canada, spécialement à Montréal. L'association de Montréal s'adressa au gouvernement demandant des octrois gratuits de terres, et la réponse du gouvernement d'alors, par l'entremise du secrétaire provincial, M. O'Sullivan, fera toujours époque dans l'histoire de la colonisation du Canada. Le système des octrois gratuits de terres aux colons fut alors adopté par le gouvernement et mis en opération pendant un an ou dix-huit mois, et tous ceux qui ont été en position de connaître ce qui a été accompli, au moyen de ce système de colonisation, dans les townships du Bas-Canada, principalement de Wotton jusqu'aux lac[s] Aylmer et St. François, ne peuvent convenir que ça [a] été une faillite complète. Ce système a réussi partout où il a été essayé et il regrettait infiniment qu'il n'eut pas été continué. Wotton qui ne contenait pas une seule habitation en 1848, contient aujourd'hui près de 500 familles et sur un chemin de 40 mil[l]es au-delà de Wotton, tous les lots sont occupés à l'exception de trois ou quatre qui sont inhabitables.

Il était certain qu'aucun autre système pouvait produire des résultats aussi concluants et empêcher une partie de la population d'aller ailleurs pour chercher de quoi subvenir à sa propre existence. Il fallait quelque chose de plus que des paroles pour établir un pays jouissant d'un hiver de six mois. Il ne disait point que toutes les terres devaient être données pour rien, mais il était certain que si l'on donnait chaque second lot aux défricheurs, en réservant les autres pour la vente, même en en doublant le prix ordinaire, on trouverait promptement des acquéreurs. Par ce moyen on développerait grandement la colonisation, et le revenu des terres publiques, loin d'en souffrir, serait considérablement augmenté.

Le commissaire des terres avait déclaré que le gouvernement se proposait de présenter une loi au sujet de la vente des terres publiques. Il espérait que nonobstant ce que le commissaire avait dit, le gouvernement n'oublierait pas le système des



octrois gratuits de terre et que quelque chose de clair, de précis, de bien défini et de systématique serait décrété; que si des octrois gratuits devaient être accordés, ils le seraient par la loi, et que la distribution n'en serait pas laissée entièrement au gouvernement ou au bon ou mauvais plaisir, ou encore au caprice des agents locaux et limités (sic) à certaines localités, mais que toutes les parties du pays seraient placées sur un même pied.

M. Dorion fit ensuite allusion aux remarques de M. Dufresne, qui s'opposait principalement à la partie de la proposition qui se rattache à l'appropriation du fonds municipal pour les fins de la colonisation. Il savait bien qu'il y aurait du danger à s'engager dans l'emprunt municipal sur ce sujet, tel qu'il est organisé actuellement. Le peuple aurait droit de craindre le résultat de ces emprunts pour l'agriculture et la colonisation s'ils étaient contractés dans l'ordre de[s] choses actuel, mais si le système d'emprunts était réglé d'une manière bien définie, sur le même principe que le crédit foncier qui a si bien fonctionné en Europe, il serait très propre à rendre de grands services à la classe agricole du Canada.<sup>34</sup>

MR. AT. GEN. DRUMMOND said he was quite certain the resolutions proposed by the hon. member for Napierville would be productive of much good, by leading to this discussion, and by inducing those who have turned their attention to this subject to come forward and give their views upon it. Of course, the Government could not do otherwise than profit by hearing this discussion, even when the opinions which may be expressed differ from those they may be inclined to entertain themselves. He fully agreed with almost all that had fallen from the hon. member for Arthabaska (Mr. Dorion). The colony which that hon. gentleman spoke of had been wonderfully successful. He thought that gratuitous grants judiciously bestowed, were productive of great good, and they had proved so in more instances than one. The first trial was made in Upper Canada, and it was eminently successful. The next trial was that to which the hon. member for Arthabaska had alluded--and although the settlement was undertaken under circumstances of great difficulty, although the nucleus of the settlement was formed unwisely, yet the patience and industry of the settlers were such that they overcame all the obstacles which presented themselves, and it is now a thriving and prosperous settlement. He did not, however, understand the commissioner of Crown Lands to repudiate that system. He did not understand him to say that that settlement was a failure, although it was well known that several other attempts at settlement had turned out failures<sup>35</sup>, but only that he doubted the advantages of colonization by means of association, which on the Saguenay had turned out unfortunately.<sup>36</sup> In order to [ensure] the proper settlement of a country, they must rely upon the energy of the individuals themselves, more than upon anything else. No one could deny the propositions the hon. member for Napierville had submitted in his resolutions,--except perhaps the last one. He says, "That Agriculture is one of the chief elements of prosperity and wealth in Canada." No one can deny the truth of that proposition. The 2nd is:--"That in order to develop its resources, it is important to encourage the settlement of the wild lands belonging to the domains of the Crown." The third is, "That gratuitous grants (sic) of land ought to be made to the denizens of the soil of Canada to facilitate the settlement thereof, and prevent emigration, and by these means to encourage agriculture and foster commerce and manufactures." Now the law allows these gratuitous grants to be made at the present moment; but they ought to be made in some systematic manner. He did not think they should be made in any one isolated portion of the country, and he therefore could not agree with the idea of selecting one place in Upper Canada and another place in Lower Canada for free colonization. He thought they would never succeed in settling the country so well as by encouraging the settlement of new localities immediately in rear of the old ones; because these new settlements

require the fostering care of the old settlers. It is necessary that the new settler should have some means of supporting himself and his family, and this he cannot have unless he is in the vicinity of some labour market. There was no part of the country that afforded the same amount of assistance (sic) in this way as the lumbering districts. Every exertion had, therefore, been made by Government to foster settlements in the great lumbering districts, and the best way, in his opinion, was to continue the course they had hitherto pursued. Let them appropriate money for the purpose of opening up roads for the settlement of the country, and, he would say, that if the Commissioner of Crown Lands wants to succeed, he must locate in the immediate rear of the old settlements, and not, as has been alluded to, adopt the absurd notion of making new settlements forty or fifty miles from the old ones; for it was too much to suppose that Government was to support the settlers during the first few years of their settlement. The strides which had been made in some of the settlements--in the Ottawa country, the Eastern Townships, and the St. Maurice territory--had been very great. He should be sorry that in endeavouring to make further settlements, any persons should be excluded from the land. The hon. member for Argyenteuil repudiated the idea of allowing German and other foreigners to settle on these lands; but he would like to know whether the persons to whom he had alluded, who came to that settlement thirty years ago, and of whom he had so high an opinion, were not in exactly the same position (sic) in which the German or Irish or Scotch emigrant of the present day [were], when they came here. He was decidedly in favor of Government giving gratuitous grants of land; and undoubtedly the best plan in making these gratuitous grants was not to give them in regular succession, but to reserve intervening lots, which, when the adjoining grants had been improved, would be more valuable, and thus the free grants became a source of revenue to the country. The settlement in the St. Maurice county had proceeded with a rapidity truly astonishing. Three years ago, provision was made for opening a road in that district, ten miles in extent; and in 18 months afterwards it was opened throughout, he went over that road, and along the whole extent of the ten miles there was not a single farm that had not been taken up in that time. In fact in the space of ten or twelve years, 63 miles of dense settlements have been made, without any assistance having been given by Government at all, except the facilities afforded by opening roads, so that in his opinion the best system to facilitate settlements is to open out good roads through the territory which is wanted to be settled. He would not however advise Government to spend their money endeavoring to break through the mountains, as the hon. member for Argenteuil suggested, in order to reach the great valleys which lay beyond, and which may in the course of time be settled. But let them open out the available lands within reach of some ready market, and they would be much more likely to succeed. While therefore he thanked the hon. member for bringing forward the resolutions which had led to this discussion, which could not fail to be of advantage to the Government and to the House, he hoped he would withdraw his motion, as the Government would undoubtedly give the suggestions due consideration.<sup>37</sup>

MR. BUREAU dit qu'il retirerait ses résolutions vu la déclaration que le ministère venait de faire, [à] savoir qu'une mesure serait introduite dans cette session au sujet de la concession des terres de la couronne et que le gouvernement se prononçait en faveur de l'octroi gratuit des terres. Avant, il aurait un mot à dire en réponse à l'honorable commissaire des terres. Il ne niait pas que ce qui était en faveur du commerce était profitable à l'agriculture; il sait que l'agriculture est tributaire du commerce, mais le commerce est aussi tributaire de l'agriculture.<sup>38</sup>

The motion was then withdrawn.<sup>39</sup>

(186)

*Ordered, That Mr. Angus Morrison have leave to bring in a Bill to prevent Railway Companies running Locomotives or Railway Carriages on the Lord's Day.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*On motion of the Honorable Mr. Cameron, seconded by Mr. Hartman,*

*Ordered, That so much of the 67th Rule of this House as relates to the payment of a Fee of fifteen pounds, be suspended in relation to the Bill to enable John Watson, of the Village of Ayr, in the County of Waterloo, to construct a Dam and Water-course for manufacturing and other purposes, and to take all lands necessary therefor.*

MR. MACKENZIE moved the following resolution:--"That it be resolved that after the 31st of January, 1857, there shall be but one currency or money of account, of which the dollar shall be the highest or principle (sic) unit, that the public accounts shall be kept in dollars, cents and mills, and that the coinage be equal in intrinsic value to that of the United States." He said that this was the resolution unanimously reported by the Committee on Public Accounts last session, after they had received opinions on the subject from all the leading commercial men in the Province, and some in the United States, bankers, collectors of customs, merchants, and persons in almost every line of life.<sup>40</sup> With but one exception, all those parties were of opinion that there ought to be one currency, of which the dollar should be the principal unit. By the expression "principal unit," was meant the highest figure in a merchant's ledger. The hon. gentleman then proceeded to remark that the consideration of this question of introducing the decimal system not only into currency, but also the weights and measures, had long been debated in the British Parliament.<sup>41</sup>

Six o'clock having arrived, MR. SICOTTE the SPEAKER vacated the chair.... [He then returned] at half past seven.<sup>42</sup>

MR. MACKENZIE resumed, by stating it as his firm conviction that if the decimal system were adopted, it would be of immense advantage to the people of this country; for whatever system simplified their hitherto complex calculations could not fail to be so. By this system, compound addition, subtraction, multiplication and division would all be put an end to at once--thus saving an incalculable amount of time and trouble to all parties. The necessity for this system had been recognized by almost every country in Europe.<sup>43</sup> Not only did the United States have the system, but even Russia, almost a semi-barbarous country, counted by rubles and copecks, a copeck being the hundredth part of a ruble. France originally had a currency rather more inclined to the decimal than England, and yet one of the first things brought forward by scientific men after the Revolution was the introduction of the decimal system, not only in money, but in weights and measures. Following their example, Thomas Jefferson, the American Minister to France, took the system to the United States.<sup>44</sup> He (Mr. McK.) was always in favor of that system. So far back as 1829 or 1830 this system had been earnestly recommended by a committee on which he served. Now, however, the country was not only in favor of such a measure, but positively demanded it. In the country adjoining France--Holland--this system prevails; and also in Belgium<sup>45</sup>, in Switzerland, in Spain, and other countries.<sup>46</sup> And here he would observe, that it was a remarkable fact that not one of these countries had ever set aside that system. Having once taken up the decimal system, no nation ever abandoned it. In the Banks in this province they had adopted two systems. Now, he



was opposed to such a course. The question was, whether was the system of dollars and cents, or the Halifax currency, the best--and that question had been already settled by the committee, in favor of the first mentioned system. This system had also been highly approved of by all the leading and literary men in the Province, from many of whom he had received letters to that effect. All the heads of public departments--and, indeed, almost all the business men of note in the Province, had been written to by him on this subject, and he had received answers from them expressive of their wish to have such a system introduced.<sup>47</sup> The hon. gentleman then quoted from the letters of several eminent commercial men in England, and from the opinions given to the committee on Public Accounts by many public bodies and commercial men in this country.--Take 3 cwt. 2 qrs. 17 lbs. at 5s. 6½d. a lb, and what a tedious calculation was necessary to find its value. But reduce it to decimals, and it was a mere question of simple multiplication. If a decimal coinage were determined on, they might take as its basis a token of the value of an English half penny, which was the same thing as an American cent. But if it was not convenient to have a coinage, they might at all events have money of account of a proper kind. He admitted that in many computations the duodecimal system was very useful, but so far as keeping accounts was concerned, nothing could be better than the decimal. Moreover, he believed the British Government had now determined to adopt it. They last year gave the celebrated Spring Rice and two other gentlemen of eminence, power to report on the subject, and the latest news he had seen was that England had determined to adopt it. It was adopted by railroads in this country, and the Council of the County represented by his hon. friend Mr. Brown, had recently determined that their accounts should be kept in dollars and cents.<sup>48</sup> The decimal system was not, it was true, a very fashionable measure--if he might use the expression; but it was one of the most powerful levers for advancing the interests of society, and especially of the poorer classes. At present all the gold in the Bank of England was calculated in the decimal system. If such a system were introduced in this Province they would in reality need very little alteration in the present system, yet that little alteration would effect incalculable good. If there could be any objections urged against the system, he would like to hear them. But he did not believe there could be any objections to it. He felt sure that its adoption would make our merchants better off, and be a great benefit to our banks, collectors of customs, and in fact all classes of the community. To whom, then, would it be an inconvenience? To nobody. When, therefore, this system would be a convenience to every business man--when but one man objected to the system, before the committee appointed by that House to investigate the matter--why, he would ask, should not the system be at once adopted? In conclusion, the hon. gentleman expressed a hope that if his resolutions were rejected, the House would adopt some better resolutions having a similar tendency.<sup>49</sup>

[The motion was] seconded by MR. DEWITT.<sup>50</sup>

MR. INSP. GEN. CAYLEY said that on a former occasion, when the hon. member for Haldimand brought forward this measure he then agreed to postpone it,<sup>51</sup> taking the sense of the house on this question; and he hoped he would consent to do so again. The present Government intended to have brought this question forward, and would have done so, had they not been made aware of the intention of the Home Government to take up the question during the present session of the Imperial Parliament.<sup>52</sup> As therefore the Home Government had now the whole matter under consideration, both the adoption of a uniform decimal currency and coinage, this Government was of opinion that it is desirable to await the result of the enquiries of the Home Government into the subject, before they proceed to make the selection of a unit for Canada.

It might be desirable after all to adopt the American system, or the decimal currency proposed to be adopted in England. The question of whether we should make the dollar, franc, or ruble the unit, would depend very much upon our trade relations (hear, hear,) and having waited so long a time to form a wise judgment, this country would not be acting with discretion, upon the eve of the great contemplated change in England, (the bringing about which was aided by the employment of the best financial talent and intellect) were it to anticipate their action, and at once determine the adoption of a decimal currency. A very large portion of the importations of this country from England were paid for in sterling, and it was important for us to assimilate our monetary transactions with England so<sup>53</sup> that the people of this Province should be enabled to transact their business with the mother country, without the constant conversion of currency into sterling.<sup>54</sup> He was not going to debate the propriety and the advantage of a decimal system with the honourable mover, but the matter had been referred to by the Committee, which sat in Quebec. He knew that all parties were in favour of that system, and that that was the feeling of the House, and of the whole country, but the selection of the particular species of unit was a matter of much importance to the people of this country, when they considered that their relations are divided between the United States and England, and it might be that the wisdom which is employed at present in England in determining the matter, may strike out a more valuable course; adopting the decimal system, and yet a coinage more convenient to the people of Canada. This country was subject from time to time to very great inconveniences from the use of American coinage, and was supplying specie to the neighbouring States. At the very present moment, Banks in Upper Canada were restraining their discounts in consequence of the very heavy call upon our coinage, and the other Banks were being drained of their specie. The circulation of our paper was, therefore, very much in use; the accommodation to our merchants was very limited, and it might be that the judicious selection of a decimal coin would enable us to give relief to our banking institutions, and prove a great convenience to merchants. He trusted that the honourable mover would now, as he did on a former occasion, postpone his motion until they knew the result of the deliberations in the old country.<sup>55</sup>

MR. MACKENZIE said he had no intention to withdraw the motion.<sup>56</sup>

MR. AT. GEN. J.A. MACDONALD did hope that the hon. gentleman would do so after what had fallen from the Inspector General.<sup>57</sup> It was not desirable that the subject should be discussed at the present time, as during the present sitting of the house the Government, who had the matter under consideration, were likely to move in the matter so soon as the result of the discussion now proceeding in the Imperial Parliament was made known. The hon. member for Haldimand had proposed that the dollar of the United States should at once be adopted as the unit of account, but it was very far from desirable that such unit should at present be adopted<sup>58</sup>. The subject had occupied the attention of scientific minds in Europe of introducing a uniform system of decimal currency and coinage, and applicable to weights and measures. He imagined that during the course of the present Parliament in England the system would be settled, and a plan adopted based upon the most correct principles, and it would be unwise for this Government now to pass a measure adopting the American system when the Imperial Parliament might shortly determine upon a bill introducing a system without binding this country to the American plan, and it was not improbable that the Imperial Parliament, after adopting that system, might please to recommend it for the British North American Provinces, when it would be for the Government here to say whether they acceded to it or not, but it would be foolish for them to fetter themselves with the American system, when they were on the very threshold of

getting the result of all the science and experience of men in England.<sup>59</sup> It was obvious that either this Province must adopt that English system, whatever it may be, or they would have to strike out some middle course for themselves.<sup>60</sup> They all knew very well that the project had been proposed in various parts of the world, especially in France, to have a uniform coinage and currency, and also as to weights and measures for all the world, and he did not suppose that anything could be more generally and universally useful in trade, commerce, and every branch of industrial art, than to have such a system. (Hear, hear.) He hoped the hon. mover would not hurry the country into the adoption of the federal system, which course would have no practical or desirable effect.<sup>61</sup>

MR. MACKENZIE argued that it was desirable that the public accounts should at once be kept in a decimal currency, and he would instance, in support of that opinion, a fact connected with our present commercial relations. An American captain of a vessel trading on our waters, found a difficulty in understanding our currency; while, at the same time, a captain of one of our Provincial vessels was thoroughly conversant with the decimal currency of the United States. He would point out to the House upwards of 300 of the leading statesmen, banking and mercantile men of the Empire, including the Lord Mayor of London, the governor and directors of the Bank of England, and Baron Rothschild, who had expressed themselves in favor of a decimal currency, and who had expressed an opinion that it should be at once adopted. The coinage we should have to use would be dollars, twenty-five cent pieces, dimes, cents, and mills.<sup>62</sup>

MR. PROV. SEC. CARTIER thought that the hon. member for Haldimand ought to be satisfied, after the declarations that he had heard. His principle had been affirmed, but he wanted to go further. He would wish that House to pledge itself at once, by adopting his proposition--namely, to take as the unit the American dollar and cents.<sup>63</sup>

MR. MACKENZIE wished to remind the hon. gentleman that that was the system already.<sup>64</sup>

MR. PROV. SEC. CARTIER said the honorable member for Haldimand had put the question, why did not he (Mr. Cartier) refuse to support this measure when it was previously brought up, instead of now opposing the introduction of the dollar as the unit of account. In reply, he would remind the honorable gentleman, that it would have been well had he taken delay upon this question from the fact that Great Britain, through her Parliament, was about to adopt a decimal currency so as to agree with their present coinage, and it was highly desirable that this Province should adopt a currency that would assimilate therewith. He (Mr. Cartier) was not a little surprised to hear the honorable member for Haldimand speak as he did; especially when it is known that the subject of decimal coinage is at present engaging the attention of the most learned men of the old country; and also, when it is remembered, that as a Province we are increasing every day. It is well known that in England the subject of decimal coinage was under consideration both by bankers and the merchants, and all the commercial community; and, bearing in mind also, the close unity existing between that country and the United States in trade. Bearing all these things in view, does the honorable member for Haldimand think that the subject will not be agitated as it ought to be in England, in regard to the trade of the United States. To apply the matter to ourselves:<sup>65</sup> [he] was aware that it was the general wish, on account of the relations of this country with the United States, and England, and the other European nations, that we should have such a decimal currency



and coinage as would suit the country most. The hon. mover must be aware that more than two-thirds of the importations and exportations of this country were with England. It was true that our commercial relations with the United States were increasing very fast, but they were not decreasing with England, and, as it had been stated, the subject was under consideration in England. And would the hon. mover doubt that the financial men in England would fail to take into consideration the commercial relations of that country with the United States, and also our own with the States?<sup>66</sup> It is evident that they will take such measures as the proposed decimal currency in England as will meet any difficulties that might arise from constant intercourse with the United States. And, there is no doubt, our relations with the United States being somewhat similar to those of England, that the same system of decimal coinage that will be established in England, can be used with advantage here.<sup>67</sup> The very question which would be answered in England, therefore, upon the proposed change of system, would serve Canada. There was no doubt that, before long, Canada would trade largely with France in lumber, which country already has the principle of decimal currency in existence; and it was not to be supposed that this country could rush prematurely into any new system at this moment. (Hear, hear.)<sup>68</sup> England has also a very large trade in France, and no doubt, she will suit her decimal currency to meet all the exigencies of the French trade and currency; and we should wait, and profit by those things. Taking all these things into consideration, it would not be wise in the House, rashly to adopt a decimal currency. The coinage of the United States, after all, was not a decimal currency.<sup>69</sup> The value of the unit was itself divided.<sup>70</sup> Then, as he stated before, it would be premature in the House, to go hastily into this matter. The hon. member for Haldimand ought to know that the trade of the world is balanced with England, and if she has taken the matter into her consideration, the House should wait and see the result. He (Mr. Cartier) was for the principle of the motion; but he would say, that it was not wise in the hon. mover to press the motion now.<sup>71</sup> Upon the whole, as the system of the hon. mover was not proposed to take effect until 1857, before that time arrived, we should know the decision of England, and should then be in a better position to choose what unit we will adopt. (Question, question.)<sup>72</sup>

MR. MACKENZIE replied to the remarks of the various gentlemen who had spoken to his motion. The hon. Provincial Secretary, he said, had urged him to wait until they saw what decision England would come to; but the hon. gentleman did not think of this when he gave his vote for the bill of Mr. Hincks, three years ago.<sup>73</sup> (Hear, hear.)<sup>74</sup> How did he come to the conclusion then that the decimal currency should be the law of the land, at the time when he knew the British Government was opposed to it? He wished it to be left in abeyance until they would see what England would do; but England had done nothing when that hon. gentleman formerly gave his vote. He said that more than two-thirds of our commercial relations are with England. How then, did he propose to force upon England the American currency? It is rather late now to come down and ask this system to be delayed. Why should they wait to adopt the currency of England? They had acted already, and in his opinion they were not likely to go back. The Deputy Inspector General had reported in favor of the Decimal Currenqcy (sic). Public opinion is in favor of the dollar. The thing did not originate with the Americans. They took it from the French--a nation which had done more for the civilization of the world than any other half-dozen of nations on the face of the earth. The hon. gentleman here cited the views of several bankers and commercial men in favor of the proposed change.<sup>75</sup> What he (Mr. M.) wanted was, to save the money of the merchant, and the people of the country in general, by making the computations which were now tedious and round-about, simple and easy. He considered that the unit of any decimal system in this country must be the dollar. He

would be glad to see a large trade with England, but that was not to hinder our having our dollars and cents. Why were not the Public Accounts for last year before the House yet? Because we have not the decimal currency, which would have enabled them to be prepared in half the time.<sup>76</sup> He wanted to adopt an economical system, and taunted Mr. Cayley with having been so addicted to economy, when in opposition, that he wanted to cut down the Government's salary; but now he wanted nothing but this 1,250L per annum.<sup>77</sup> He [Mr. Mackenzie] had withdrawn his motion last year at the request of Government, but he did not see any necessity for waiting longer.<sup>78</sup> He wanted the principle immediately adopted, and then the Government might carry it out at their leisure, and he did not think it any discourtesy to press on the attention of the House what was unanimously recommended by the fifteen gentlemen composing the Committee on Public Accounts.<sup>79</sup>

MR. PROV. SEC. CARTIER in reply to Mr. Mackenzie considered it of the utmost importance to delay the motion at the present time, because it would be useless for them to adopt a decimal currency until something was done in England. When the British Government had adopted some change it would be more easy for them to adopt that system, and he hoped it would not be so inefficacious as their former legislation.<sup>80</sup>

MR. BROWN apprehended that the argument of honorable gentlemen opposite with regard to the probability of a change in the system in England was not a very forcible one. For, although the question had made some progress in England, it had not made the same progress there as in this country. It was not as yet a popular question there, and it must be many years before the decimal system could be adopted in England. He did not see, therefore, why they should delay introducing it here, when the whole country, and nearly every member of this House was in favour of it. He did not think the argument of hon. gentlemen opposite was of sufficient weight to induce the House to hesitate a moment about adopting the system. Even if England adopted a decimal system different from ours, it would be more easy to reconcile the two, than to pass from our present system to theirs. The dollar and cent system was well understood in this country, and he believed was the most convenient we could adopt, even although it was not perhaps capable of being divided so conveniently as some others which had been suggested. The hon. Provincial Secretary had used as an argument, that we had a law in existence authorizing the decimal system in accounts, and that it was not acted upon. He (Mr. Brown), thought that was a good argument why they should at once adopt the motion of the hon. member for Haldimand. Why was it not acted upon? Was it because there was any opposition to it on the part of commercial men? No, for they had nearly all of them expressed themselves in favour of it. The reason was that the public departments had not adopted it; but if the Government would change their system of accounts from January next, the banks would follow their example, and so would every mercantile establishment in the country. The Government were in the very absurd position, that having placed a law<sup>81</sup> two years ago<sup>82</sup> on their statute book in favour of the change, they refused to carry it out, in the way recommended by the committee, which was the only way that it could be carried out. They ought either to have one currency or another. They could not have two. It was a very moderate step that the member for Haldimand and the committee he represented proposed that they should now take--that from January next, or any other date that might be convenient, the Government should keep their accounts in dollars and cents. Last year the Government said--"Put it off to another session, and we will then be prepared with a measure"--but here they were again, and still there was the same excuse.<sup>83</sup>

MR. INSP. GEN. CAYLEY said it was not the same excuse. He asked delay till they should hear the result of the deliberations in England. There were no such deliberations pending last year, and therefore the position was altogether different.<sup>84</sup> This motion proposed to adopt in January, 1857, a decimal currency, but ... should they [the British Government] not take up the question and deal with it this Legislature might proceed as they thought proper.<sup>85</sup>

MR. BROWN thought the hon. gentleman was not warranted in calculating on England acting in this matter before next January.<sup>86</sup>

MR. PROV. SEC. CARTIER.--There has been a report presented.<sup>87</sup>

MR. BROWN.--But the hon. gentleman knows that a report is only the first step. It would take some time to prepare the public mind for the change.<sup>88</sup> No one who had read the debates upon this question in England would say that it is at all popular there.<sup>89</sup> He believed that the people of England would not very readily give up pounds, shillings and pence, not having had the same acquaintance with the advantages of the system, that the people of Canada had.<sup>90</sup> In view of that he considered this House should not lose a single day.<sup>91</sup>

MR. J. MORRISON (Niagara) said the hon. member for Lambton referred to public opinion in this country being in favour of the change. But if so, why did not the banks and mercantile establishments act upon the law?<sup>92</sup>

MR. BROWN.--Because the Government does not.<sup>93</sup>

MR. J. MORRISON said that certain mercantile establishments had adopted the system, and there was nothing to prevent the banks doing the same. He was in favour of a decimal currency, but the dollar and cent system was not decimal. If the English system was to be a decimal currency I would approve of that, much more than of the American system, which<sup>94</sup> was real[ly] no system at all. Every one who had written upon the Currency had said that the American system was no system at all, and not so good as many systems in use in Europe.<sup>95</sup>

MR. AT. GEN. J.A. MACDONALD said, that as the law stood, any person that chose could keep his accounts in dollars and cents. The banks may do so too. But he thought the reason the banks had not adopted the system was that their relations were more with England than with the United States. They have their agencies in England and they draw upon England, and they prefer, therefore, to abide by the present system.<sup>96</sup>

MR. HOLTON.--They do not keep them in sterling.<sup>97</sup>

MR. AT. GEN. J.A. MACDONALD repeated that there could be no reason for forcing this matter, when everybody now could do as he liked<sup>98</sup>; when every merchant may keep his accounts in dollars and cents if he choose[s]. It would be more judicious, in his estimation, to wait until they learned what system was adopted in England, for he thought the hon. member for Lambton was in error in saying they are not in favor of a change in England. They have had his question under discussion for several years in England, and the present Government of England have announced that they have taken the subject with a view to immediate legislation upon it; and they had every reason to believe that it would be laid before the Legislature during the present session of Parliament; but if they found it was to be thrown over they could



then act upon their own responsibility.<sup>99</sup> The American coinage was not decimal, but the unit was divided into half and quarter dollars.<sup>100</sup>

MR. MACKENZIE read from the letters of several Managers of Banks, to show that those Institutions would immediately adopt the decimal system, if the Government showed the example by keeping the public accounts in it.<sup>101</sup>

MR. BELLINGHAM was of opinion that there was not anything at present existing to prevent our Provincial Banks and Mercantile Houses from keeping their books in decimal currency, and was of opinion that as the law now stood it could be enforced. To bring it generally into use it would only be necessary that the banks should give notice to their customers to draw their bills in dollars and cents.<sup>102</sup>

MR. INSP. GEN. CAYLEY said if the hon. member would remove from his resolution the making the dollar the unit, he would stop his opposition; but if not he would move the previous question.<sup>103</sup>

MR. MACKENZIE expressed his willingness to strike out the words "of which the dollar shall be the biggest or principal unit."<sup>104</sup>

MR. INSP. GEN. CAYLEY said that the alteration was not sufficient.<sup>105</sup>

MR. BROWN suggested that the Inspector General should draw up the resolution in the form in which he would be satisfied with it. It was enough to pledge the Government to carry out the decimal system; the member for Haldimand would see that if they did this, it must be in the way pointed out by the statute.<sup>106</sup>

MR. MACKENZIE said he could not strike out any more, because they had already adopted a resolution whereby the public accounts should be kept in dollars, cents and mills.<sup>107</sup>

The previous question ... [was then] pressed by MR. INSP. GEN. CAYLEY<sup>108</sup>.

(186)

*Mr. Mackenzie moved, seconded by Mr. DeWitt, and the Question being proposed, That after the thirty-first of January, 1857, there shall be but one Currency or Money of Account, (of which the Dollar shall be the highest and principal unit); that the Public Accounts shall be kept in Dollars, Cents, and Mills; and that the Coinage be equal in intrinsic value to that of the United States;*

*The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Attorney General Macdonald, and the Previous Question being put, That that Question be now put; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Bowes, Brown, Bureau, Christie, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Frazer, Freeman, Gould, Hartman, Holton, Jobin, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Murney, Prévost, Rhodes, Sanborn, Valois, and Wright.--(27.)*

(186-187)

NAYS.

*Messieurs Alleyn, Bellingham, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crawford, Cryslar,*

Daly, Jean B. Daoust, Desaulniers, Dostaler, Attorney General Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jackson, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Attorney General Macdonald, McCann, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, Patrick, Poulin, Pouliot, Powell, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, and Whitney.-- (58.)

*So it passed in the Negative.*<sup>109</sup>

MR. MACKENZIE then gave notice of another motion on the same subject for to-morrow.<sup>110</sup>

(187)

*Ordered*, That Mr. Mackenzie have leave to bring in a Bill to exempt the Tools or Implements of any Debtor's trade or calling, and the wearing apparel, the bedding and other furniture necessary for the use of his family, from seizure and sale under execution for debt.

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.*

MR. MACKENZIE moved for a select committee to provide for the absence of Mr. Speaker, owing to illness or any other cause. The hon. member instanced the case of the American Congress, where the functionary who holds the office analogous to that of Speaker has the power to appoint a member of the House to take his place *pro tem*. And it was absurd to say that out of the 130 members in the House, no member was fit to take the chair in case the Speaker felt unwell or tired. In England a bill was passed to enable the Speaker to retire from the chair if he saw fit, and such a bill was especially wanting here, as hon. members will insist on keeping the Speaker in the chair for eight or ten hours together. If the Government had any objections to the motion, he (Mr. McK.) would at on[c]e withdraw his motion.<sup>111</sup>

MR. AT. GEN. DRUMMOND had not the slightest objection to the motion. It was too true that hon. members in the House made it a practice to speak against time. And he (Mr. Drummond) thought that it showed the mover's good sense to bring forward the motion. It had his entire concurrence.<sup>112</sup>

MR. MACKENZIE would move that a special committee of five members be appointed to take the matter into their consideration, and that the said committee do consist of Messrs. J.S. Macdonald, Drummond, J.A. Macdonald, Cameron, and any other gentleman that the House might nominate.<sup>113</sup>

MR. SMITH suggested that the mover was the proper person to make the fifth.<sup>114</sup>

MR. MACKENZIE thought that he had no right to be placed on the committee at all.<sup>115</sup>

[Mr. Mackenzie's] name, however, was placed on the committee amidst loud cries of carried, carried.<sup>116</sup>

(187)

*Resolved*, That a Select Committee, composed of Mr. Mackenzie, the Honorable John Sandfield Macdonald, the Honorable Mr. Attorney General Drummond, the Honorable

Mr. Attorney General Macdonald, and the Honorable Mr. Cameron, be appointed to consider and report to the House, whether any and what improvement may be made in the providing for the execution of the Office of Speaker, in the event of the Speaker's unavoidable absence by reason of illness or of other causes.

On motion of Mr. Whitney, seconded by Mr. Angus Morrison,  
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause steps to be taken to ensure from the Observatories of Quebec and Toronto respectively, an annual Report to this House.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to repeal the Act passed in the last Session, intituled, "An Act to confirm a Survey of the line between the sixth and seventh Concessions of the Township of Hamilton."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. DARCHE moved for and (sic) address to His Excellency for copies of all petitions, or letters addressed to the Government relative to the Macadamized Road situated within the limits of the Municipality of the Village of the Basin of Chambly, and to inform this House whether it is the intention of the Government to cause the said Road to be repaired so as to enable travellers to pass thereon.<sup>117</sup>

(187)

On motion of Mr. Darche, seconded by Mr. Jean Baptiste Eric Dorion,  
Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before the House, copies of all Petitions or Letters addressed to the Government relative to the macadamized Road situated within the limits of the Municipality of the Village of the Basin of Chambly.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to amend the Act regulating the inspection of Flour and Meal.

He accordingly presented the said Bill to the House, and the same was received

(188)

and read for the first time; and ordered to be read a second time on Monday next.<sup>118</sup>

MR. J. MORRISON moved--"That a committee of seven members be appointed to enquire into the cause of the failure of justice (if any) in the case of the Queen vs. Kelly and others, tried in the month of February last, before the Criminal Court at Quebec, and into the origin of the disturbances which have recently occurred at St. Sylvester; and that such committee do consist of the Hon. Mr. Drummond, the Hon. Mr. Cameron, Messrs. Loranger, Rhodes, Galt, Turcotte and Crawford, with power to send for persons, papers and records." He said that it was not now necessary to enter into the particulars of a case that has already excited so much attention both from the house and the public. His object in introducing this motion was to ascertain the sense of the house towards suggesting a better plan for obtaining a



knowledge of the origin from which these unfortunate occurrences had sprung.<sup>119</sup> It had been suggested that a commission should be appointed, which would save parties from being brought from a distance, as it could sit in any place that might be appointed for it. The prevailing feeling throughout the country was that justice had not been done in this instance. And, seeing that there was no other motion of the kind before the House, he would press forward his motion.<sup>120</sup>

MR. AT. GEN. DRUMMOND said the Government were prepared either to issue a commission or to consent to the appointment of a committee. If the committee were organized the members would have to be brought from rural districts, and the cost would be much greater than by commission.<sup>121</sup> The commission could examine parties on oath, and would save the trouble of witnesses coming up to Toronto.<sup>122</sup> Then the commission might go into further details, and guard against any such failure of justice as had occurred in the matter in question. (Hear, hear.)<sup>123</sup> He had his own views on the remedy, and thought there was but one. But he would like to know what gentlemen investigating the matter on the spot could suggest.<sup>124</sup>

MR. CAMERON thought, considering the feeling which had been excited on this subject, that it would be best to appoint a committee who would be able to inquire and to indicate to a commission to be named thereafter the particular subject which such a commission should investigate.<sup>125</sup> The motion as now moved should now be carried out. By so doing, it would show the country that both the Ministry and the House had taken the matter to heart. He trusted that no obstructions would be thrown in the way.<sup>126</sup>

CAPT. RHODES said, he had received petitions very numerous signed, and if this notice of motion for the appointment of a Committee were to be withdrawn, the people of that section of the country from which these petitions came, would not think the house was so much in earnest in the matter as it was. He thought it would therefore be better to appoint a Committee, and allow it to recommend a commission or to take such a course as they deemed expedient.<sup>127</sup>

MR. AT. GEN. DRUMMOND reminded the House that this was the course that the Ministry proposed to take when the question was first brought up.<sup>128</sup> The Government were quite willing to adopt it. He certainly agreed with the hon. member for Toronto, that it would be better to allow the Committee of that house to present the points upon which the Commission should inquire.<sup>129</sup>

CAPT. RHODES was quite willing to admit that he had changed his mind since the matter first came under his notice.<sup>130</sup>

MR. SICOTTE the SPEAKER then put the question of appointing the committee, its composition being left to be decided in the usual way.<sup>131</sup>

(188)

*Mr. Joseph Curran Morrison moved, seconded by Mr. Stevenson, and the Question being put, That a Committee of seven Members be appointed to inquire into the cause of the failure of Justice (if any) in the case of the Queen vs. Kelly and others, tried in the month of February last, before the Criminal Court at Quebec, and into the origin of the disturbances which have recently occurred at St. Sylvester, to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it was resolved in the Affirmative.*

*Ordered, That Mr. Joseph Curran Morrison, Mr. Crawford, the Honorable Mr. Cameron, the Honorable Mr. Attorney General Drummond, Mr. Turcotte, Mr. Aikins, and Mr. Loranger, do compose the said Committee.*<sup>132</sup>

*Ordered, That Mr. Crawford have leave to bring in a Bill for the punishment of the Officers and Servants of Railway Companies contravening the By-Laws of such Companies to the danger of persons and property.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*On motion of Mr. Jobin, seconded by Mr. Valois,*

*Ordered, That the Second Report of the Standing Committee on Contingencies be committed to a Committee of the whole House.*

*Resolved, That this House will immediately resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee;*

The various clauses were passed without discussion except the concluding one<sup>133</sup>, as follows:--"Your Committee desire to draw the attention of your Honorable House to the circumstance, that an allowance, equal to two month's salary, has been advanced by the authority of Mr. Speaker to the several officers and clerks of the House towards defraying the expenses of their removal from Quebec to Toronto; and, as they are informed, that a similar allowance has been made by the Government to the officers in public departments, your Committee suggest, that if this be approved by your Honorable House, a similar favor shall be extended to the employees of the Legislative Assembly; at present, the advance made is considered as on account of salary, and to be repaid if not sanctioned by your Hon. House."<sup>134</sup>

MR. SOL. GEN. H. SMITH said that the Government had not given the clerks this two month's salary. He therefore objected to the clause.<sup>135</sup>

MR. DEWITT moved an amendment to the effect that as two months' salary had been advanced on the authority of the Speaker to the officers and clerks of the House, towards defraying the expenses of their removal to the Seat of Government, and that the said officers be not required to refund the same; and that a further sum of two months' salary be paid to the said clerks and officers towards defraying the expenses of their removal.<sup>136</sup>

MR. SOL. GEN. H. SMITH said the amendment was worse than the report. There had been no two month's salary allowed to any one,--though that amount had been advanced by way of loan to all the clerks, including those belonging to the House. In addition to that, the expenses of the removal of each officer had been paid. He did not understand what was meant by the amendment, which tended to pay those clerks two month's salary twice over in addition. The payment was made them for their expenses. If that was done for the clerks of the House, it must be done for all the clerks. Did the hon. member desire that? He thought not.<sup>137</sup>

MESSRS. GOULD and JOBIN, as members of the Contingent Committee, said the Committee had merely adopted the clause in question, on the understanding that the other Government clerks had been paid the two months salary.<sup>138</sup>

MR. FERRES said that the officers ought to be paid either for the one or two month's salary, as they ought not to be put to a loss by the removal of the Government, and it was a cruel thing that they should suffer loss by such removal.<sup>139</sup>

MR. COM. PUB. WORKS LEMIEUX would observe that they had been paid.<sup>140</sup>

MR. INSP. GEN. CAYLEY stated that the expenses of the clerks, consequent on the removal of the Government from Quebec to Toronto, had been defrayed. They had been called in to furnish every item of expense, and every single item so furnished they had been paid for. Every endeavor had been used by the Government in order to indemnify their clerks for all the expenses of their removal. He could not therefore understand what was intended by the amendment.<sup>141</sup> The advance of two months' salary had merely been made to save the officers inconvenience, from lack of funds.... They had not yet been called upon to refund the advance, but it was not to be understood as having been given them as a gratuity.<sup>142</sup>

MR. POWELL said this was another illustration of the absurd system of perambulating Parliaments.<sup>143</sup>

MR. DEWITT would urge the necessity for the payment of those amounts, considering that rents were doubled, and the officers had been put to heavy expenses by the removal, and any amounts which had been advanced by the Government had to be accounted for, subsequently as part of their salaries, the men should be indemnified for the whole of the expenses they had been put to.<sup>144</sup>

MR. SOL. GEN. H. SMITH moved that that paragraph of the Report be struck out, as it was founded on an error.<sup>145</sup>

MR. DUFRESNE was of opinion that such clause should be struck out, as he was of opinion that it had been founded upon a report which was not true, and the paragraph therefore was useless.<sup>146</sup>

MR. JOBIN denied that such report of the Committee was founded in error, and this last paragraph had been founded upon that report, and if the clause was struck out great inconvenience would ensue, as the money could not be accounted for with the Receiver General.<sup>147</sup>

The paragraph, however, was struck out by a large majority.<sup>148</sup>

The Committee [then] rose and reported progress.<sup>149</sup>

(188)

*and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Murney reported, That the Committee had come to several Resolutions.*

*Ordered, That the Report be received To-morrow.*

*Mr. Larwill moved, seconded by Mr. Powell, and the Question being proposed, That the 62nd Rule of this House be suspended, so far as the same relates to the Petition of the Municipal Council of the County of Kent for the separation of Euphemia, and portions of Dawn and Sombra, from the County of Lambton, and their annexation to the County of Kent;*

MR. BROWN opposed the motion, and said he was sure the House would never consent to what the hon. gentleman proposed.<sup>150</sup>

MR. SOL. GEN. H. SMITH.--I am sure the House will.<sup>151</sup>



MR. BROWN hoped the Solicitor General did not mean to dictate to the House how it was to act. In opposing this proposal, he (Mr. B.) spoke the views of the people of Lambton, who were the parties interested. He had brought up petitions from almost every township in the county protesting against the division. The hon. gentleman had not complied with the rules of the House, and the Committee on Standing Orders reported against the proposition, and the Bill was thrown over in consequence. But the hon. gentleman seeks to reverse the decision of the Committee. He did not think the House could listen to the application of the hon. gentleman to set their decision aside. The case was this: The county of Lambton had a population, at the date of the last census of 12,000 or 13,000, though returned as only 10,000, and it was proposed to break up that county, by taking away one large township, and portions of two others, and adding them to Kent, which had a population of 18,000. And the hon. gentleman wished to press this through, although no notice had been given to the people of Kent of what was proposed.<sup>152</sup> He believed the people of Euphemia felt it an inconvenience to be taken round about to Sarnia to attend the courts; but according to the proposal of the hon. gentleman they would not be better off, because they would have to go a very great distance to the county town, although not so far as to Sarnia. They had, however, no wish to be attached to Kent,<sup>153</sup> but in the event of any change, would prefer to be joined to Metcalfe, Zone, Mosa, Aldboro' and some other townships, as a separate county.<sup>154</sup> At present they were perfectly content with their position, and he was sure no greater injustice could be done. As the rules of the House had not been complied with, he did not think they would adopt the motion before them.<sup>155</sup>

MR. SOL. GEN. H. SMITH said that last Session the member for Lambton had taken the unusual course of opposing the first reading of a Bill, which he (the Solicitor-General) introduced for the purpose of effecting what was sought by the member for Kent. And now the hon. gentleman attempted to throw out the measure, by taking advantage of a technical objection.<sup>156</sup> But with all due submission to the Committee on Standing Orders he would say that the rules of this House had been strictly complied with. The county of Lambton was to be affected by this Bill because it would lose the townships mentioned; and the hon. gentleman admits that the county of Lambton has had public notice. The people of Kent were also aware of this, for they voted unanimously in favor of it.<sup>157</sup>

MR. BROWN, no, no.<sup>158</sup>

[MR. SOL. GEN. H. SMITH:] He recollected perfectly well when the first legislation was had on this subject, and it seemed very extraordinary to him that these townships had been taken out of Kent and put into Lambton with which they had no common interest. He did not think it necessary to go into the merits of the question now, but hoped the House would do justice to the hon. member for Kent, by suspending the rules, in order to allow him to bring in his Bill.<sup>159</sup>

MR. LARWILL said that the people of Kent had unanimously petitioned for the measure, through their County Council, and that was sufficient to show that the whole country was aware of the fact.<sup>160</sup>

MR. HARTMAN said, it did not become the Solicitor General to censure the Report of the Standing Orders Committees (sic). He considered the committee had done their duty in the matter.<sup>161</sup> If the rule were to be suspended it ought to be referred to the Committee on Standing Orders.<sup>162</sup>

MR. AT. GEN. J.A. MACDONALD did not understand Solicitor General Smith to censure the Committee on Standing Orders. He took it that that hon. gentleman was correct in saying that they had reported correctly, in reporting that the rules of the House had been correctly obeyed. It was, he said, quite clear that all those parties who would be prejudicially effected (sic) by the proposed separation, had been properly notified. He contended that there was no reason in the world why the rule should not be suspended.<sup>163</sup>

MR. BROWN rose to make an explanation<sup>164</sup>--

Cries of "Spoke!" from ... MR. SOL. GEN. H. SMITH and other members on the ministerial side.<sup>165</sup>

[MR. BROWN] said he thought he might be permitted to speak in explanation, when members of the Government tonight had spoken repeatedly on the same question.<sup>166</sup>

MR. SICOTTE the SPEAKER said the hon. member could not speak twice on one question, if it was objected to.<sup>167</sup>

MR. HARTMAN rose and was also met by cries of "spoke," but proceeded to move in amendment that the further consideration of the question be postponed till to-morrow. He took this course for the purpose of allowing a better opportunity for discussing the question.<sup>168</sup>

MR. BROWN spoke to the amendment. He said the course taken by the Solicitor General tonight was quite of a piece with that which he had pursued last session. The member for Kent or some of his friends got up the thing for a political purpose, but his Bill was thrown out by a majority of the House. And then the Solicitor General asked leave to introduce as a Government measure, a Bill for the very same purpose, introducing a second Bill on the same subject in one session? He (Mr. B.) appealed to the House against it, and it was thrown out at its first reading. Instead, therefore, of blaming him for what he had done, the Solicitor General should rather have viewed the circumstance as a rebuke to himself for the course he had pursued. (Hear, hear.) The member for Kent said that the people of Kent were in favour of the measure. He (Mr. Brown) denied this. The petition from that county had only one name attached to it, on behalf of the County Council, and it was not surprising that the Council should wish to have those townships annexed, in order to give them more money at their disposal. But the people of Kent had expressed no opinion on the matter, and had received no intimation of it, the notice having been published at Sarnia, but not in the Chatham papers. The principle laid down by the member for North York was the correct one, that the suspension of a rule of this kind should be left in the hands of the Standing Orders Committee; and the application having been before the Committee, they had thrown it out.<sup>169</sup>

MR. LARWILL contended that the rule had been complied with; and that the hon. member for Lambton had himself drawn out the notice for the suspension of the rule. He would also maintain that<sup>170</sup> the way in which this very Committee came to report as it did, was, because that the hon. member for Lambton was there alone, and he (Mr. Larwill) was not there. (Hear, hear.)<sup>171</sup>

MR. SICOTTE the SPEAKER here called the hon. gentleman to order.<sup>172</sup>

MR. ALLEYN said, the only question was, as to whether the House should suspend the rules or not. He thought the Committee of Standing Orders had reported properly and correctly.<sup>173</sup> It appeared to him that due information having been given to the inhabitants of the County, and the inhabitants of the other County being well informed on the subject, they might, without violating any right, suspend this rule.<sup>174</sup>

MR. FERRES did not see why the rules should not be suspended.<sup>175</sup>

DR. CLARKE voted with the hon. member for Lambton last year, but he was sorry that he could not vote with the hon. gentleman now, on account of the manner in which he had promoted this discussion, and which would cause him (Dr. C.) to look more closely into the vote that he should give when the bill came forward for carrying out the proposed project. He really saw no reason why the bill should not be brought up and discussed, and he felt that the rule was intended to apply, "that nobody should be injured without their knowledge;" therefore, he trusted that the hon. member would withdraw his opposition to the bill. If he allowed it to come before the House, and be discussed upon its merits, he would find a sufficient number of members independent enough to vote with him.<sup>176</sup>

MR. HOLTON said that the only petitions referring to the matter which could be found were, that of the Municipal Council of the County of ... and secondly, the petition from certain of the inhabitants of the Township of Dawn, in the County of Lambton.<sup>177</sup> [He] stated that there was only one name appended to the petition referred to by the hon. member for Lambton.<sup>178</sup>

MR. AT. GEN. DRUMMOND was sorry to hear the hon. member for Montreal get up to make such a statement--which was a direct contradiction to the assertion of the hon. member for Lambton. That hon. gentleman had stated that all the people of Lambton had petitioned against it, but now, according to the statement of the hon. member for Montreal, their (sic) was only one name appended to the petition.<sup>179</sup>

MR. BROWN denied the accuracy of the hon. member's remark. He had not said all the people--but nearly all the Township Councils.<sup>180</sup>

MR. SOL. GEN. H. SMITH [made] a few remarks<sup>181</sup>.

MR. SICOTTE the SPEAKER then put Mr. Hartman's amendment<sup>182</sup>.

(188)

*Mr. Hartman moved, seconded by Mr. Brown, and the Question being put, That the further consideration of the Question be postponed until To-morrow; the House divided:--And it passed in the Negative.*

*Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Alleyn, Bellingham, Brodeur, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Clarke, Conger, Jean B. Daoust, Desaulniers, Dostaler, Attorney General Drummond, Dufresne, Ferres, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Larwill, Lemieux, Attorney General Macdonald, McCann, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Poulin, Pouliot, Powell, Solicitor*



General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Terrill, and Thibaudeau.--(42.)

(189)

NAYS.

Messieurs Aikins, Brown, Bureau, Christie, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Frazer, Gould, Hartman, Holton, Jobin, John S. Macdonald, Marchildon, Patrick, Prévost, Sanborn, Valois, and Wright.--(20.)

*So it was resolved in the Affirmative.*

MR. LARWILL gave notice that he would introduce his Bill on Monday.<sup>183</sup>

(189)

*Ordered, That Mr. Terrill have leave to bring in a Bill to amend the Provincial Statute 12 Vic. cap. 42, intituled, "An Act to abolish imprisonment for debt, and for the punishment of fraudulent debtors in Lower Canada, and for other purposes."*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*On motion of Mr. Jobin, seconded by Mr. Antoine Aimé Dorion,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House, a Statement shewing the names of the Trustees, Officers and Servants of the Trinity House of Montreal, and of the Trinity House of Quebec, respectively, the salaries they receive annually, the fund out of which the said salaries are paid, and the authority under which they are so paid; also, a detailed Statement of the accounts of the Pilots' Funds belonging to Pilots for and above the Harbour of Quebec, and for and below the said Harbour of Quebec, respectively.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*Ordered, That Mr. Terrill have leave to bring in a Bill to amend the Provincial Statute 14 & 15 Vic. cap. 96, to facilitate the performance of the duties of Justices of the Peace.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Mr. Cauchon,*

*The House adjourned.*<sup>184</sup>

APPENDIX: 26 MARCH 1856.

[NOTICE OF MOTION RE: SEAT OF GOVERNMENT.]

MR. J.S. MACDONALD said there was a notice of motion by Mr. Loranger, who was not in his seat, to the effect, that he would enquire of the Ministry whether it was their intention to lay before this House, estimates of the expenses which would be incurred in the erection of buildings for the use of the Government and the Legislature in Toronto, Kingston, Ottawa, Montreal, or Quebec, and when such statement would be ready. He (Mr. M'D.) would like to ask the Government what time they would be ready to come down with these estimates.<sup>185</sup>

MR. COM. PUB. WORKS LEMIEUX replied that Mr. Killaly was preparing the estimates, but it was impossible to fix the date when they would be ready. They would be prepared as expeditiously as possible.<sup>186</sup>

MR. J.S. MACDONALD.--Will they be ready this week?<sup>187</sup>

MR. COM. PUB. WORKS LEMIEUX.--I cannot say.<sup>188</sup>

MR. J.S. MACDONALD said he would move a call of the House for Monday week, if the Government would give an assurance that the Estimates would be brought down before then.<sup>189</sup> He thought that by that time the estimates would be prepared. He presumed that the matter was not disposed of the other night, although the discussion was evaded, and he trusted that those members who were desirous that this question should be settled would be in their places at that time, in order that some determination may be come to. He was satisfied that the estimates would be prepared before that time, and if the Government will say--<sup>190</sup>

MR. COM. CR. LANDS CAUCHON.--Is there any motion before the House?<sup>191</sup>

MR. J.S. MACDONALD.--I am going to make a motion.<sup>192</sup>

MR. COM. CR. LANDS CAUCHON.--There is no notice of it.<sup>193</sup>

MR. J.S. MACDONALD.--Why should the hon. member be so anxious to interrupt me. I dare say it is a very delicate question for him.<sup>194</sup>

MR. COM. CR. LANDS CAUCHON.--Not at all.<sup>195</sup>

MR. J.S. MACDONALD said the hon. Commissioner of Crown Lands need not be so frightened at this question being discussed. He thought, after the resolution passed the other day, that the House were entitled to have the Estimates down without delay.<sup>196</sup> If the Government are not prepared to say the estimates can be brought down this week or next week let them say so, but it appears to me--<sup>197</sup>

MR. SICOTTE the SPEAKER said if the hon. gentleman does not intend to send his motion to the chair, it is not parliamentary to make a speech upon it.<sup>198</sup>

MR. J.S. MACDONALD.--I have the motion in my hand, and I was going to ask leave to move it without a notice.<sup>199</sup> (Cries of No! No!)<sup>200</sup>

MR. MACKENZIE.--I object.<sup>201</sup>

[MR. J.S. MACDONALD concluded:] As it seems contrary to the wish of the House, I will leave it as a notice for Friday.<sup>202</sup>

## [QUESTION AND ANSWER RE: GRANTS FOR EXPLORATION IN LOWER CANADA.]

MR. LEBOUTILLIER enquired of the Ministry whether it was their intention for the interest of Colonization, Navigation and Commerce, to vote this Session a sum of money for exploring that part of the South side of the St. Lawrence from Ste. Anne des Monts, in the County of Gaspé, to the shipping Port of Gaspé, with a view of connecting that Port and all the intermediate settlements with the Parishes below Quebec and the Seat of Government, from all which that part of the said Country (sic) is virtually cut off, to the great detriment of the property of that important section of the Province.<sup>203</sup>

MR. COM. CR. LANDS CAUCHON.--The question has not yet been under the consideration of the government.<sup>204</sup>

## [QUESTION AND ANSWER RE: MAIL SERVICES IN LOWER CANADA.]

MR. LEBOUTILLIER would also wish to know from the Ministry, whether it was their intention to remove the increasing grievance caused by Her Majesty's Mail for Gaspé, via the St. Lawrence, remaining over one week in the Post Office at Ste. Anne des Monts, each turn of the mail, by causing it to be forwarded thence to Fox River without detention; if so, when? and if not, why not?<sup>205</sup>

MR. POST. GEN. SPENCE stated in reply, that the mail was not despatched as was as[s]erted in the question. The mail for Gaspé was sent with great regularity. The route mentioned was not established for the Gaspé mail route. It was established to meet the wants of the country; and it was a very difficult route. It had its origin in a very calamitous shipwreck that happened on the coast; and it was with a view to keep up the connection between the different scattered settlements that it was now carried on. Taking all things into consideration it was not reasonable to expect that it should be punctual.<sup>206</sup>

## [POSTPONED MOTION FOR A BILL RE: SHEFFORD, BROME AND MISSISQUOI.]

MR. FERRES introduced a Bill to erect the Counties of Missisquoi (sic), Brome and Shefford, into a Judicial District, with Sessions of Superior Court and of Queen's Bench, having criminal jurisdiction, with power also to the resident Judge to hold Inferior Courts in the separate counties<sup>207</sup>--

MR. AT. GEN. DRUMMOND requested the hon. gentleman would withdraw the Bill for the present, when it was considered that already he had intimated that the Government intended very shortly to come down to the House with a measure which was in course of discussion, and when completed would embrace the object of the Bill.<sup>208</sup>

MR. FERRES said he was content to let his Bill stand over.<sup>209</sup>

## [POSTPONED RESOLUTIONS RE: COMMON SCHOOL ACT OF UPPER CANADA, AND REPRESENTATION BY POPULATION.]

MR. BROWN, with the consent of the House, postponed the consideration of his resolution[s] in regard to the sectarian provisions of the Common School Act of Upper Canada,<sup>210</sup> and Representation by Population,<sup>211</sup> until Wednesday next.<sup>212</sup>



FOOTNOTES: 26 MARCH 1856.

1. In a telegraphic report, GLOBE, 27 March 1856, provides the following information: "The House resumed its sittings yesterday after the Easter recess. A good many of the members not having arrived, there seemed to be a general feeling that questions likely to create a warm discussion should be postponed." MACKENZIE'S WEEKLY MESSAGE, 28 March 1856, reports that "there were a hundred items on the notice paper, or incident[all]y brought forward. Many were not ready.... Sixty-eight items were on the orders of the day--but they were not reached." LA MINERVE, 12 April 1856, also reports a comical commentary on the atmosphere that prevailed on the floor of the House at the opening.
2. GLOBE, 20 March 1856, specifies the petitioners are praying for "an act authorising the said freeholders and householders to vote for each of five candidates for the office of township councillor of the said township, in place of voting by wards, as at present".
3. According to TORONTO DAILY LEADER, 19 March 1856, this petition is for "a committee to inquire into the appendages of signatures to a petition from that Township."
4. MORNING CHRONICLE, 15 March 1856, reports a commentary concerning this petition.
5. LA MINERVE, 12 April 1856. In a short commentary, GLOBE, 31 March 1856, specifies that the debate on this question was conducted in French.
6. LE PAYS, 3 April 1856.
7. IBID.
8. LE PAYS, 3 April 1856. GLOBE, 31 March 1856, provides a word-for-word translation of Mr. Bureau's speech as reported by this newspaper.
9. LA MINERVE, 12 April 1856. This newspaper also reports a short comment on Mr. Bureau's speech.
10. LE PAYS, 3 April 1856.
11. LA MINERVE, 12 April 1856.
12. LE PAYS, 3 April 1856.
13. LA MINERVE, 12 April 1856. This newspaper also reports a short comment on Mr. Cauchon's speech.
14. TORONTO DAILY LEADER, 27 March 1856.
15. LA MINERVE, 12 April 1856.
16. TORONTO DAILY LEADER, 27 March 1856.
17. LA MINERVE, 12 April 1856. This newspaper also reports a short comment on Mr. Dufresne's speech.
18. LA MINERVE, 12 April 1856.
19. IBID.
20. TORONTO DAILY LEADER, 27 March 1856.
21. GLOBE, 27 March 1856.
22. TORONTO DAILY LEADER, 27 March 1856.
23. GLOBE, 27 March 1856.
24. MONTREAL GAZETTE, 28 March 1856.
25. GLOBE, 27 March 1856.
26. TORONTO DAILY LEADER, 27 March 1856.
27. GLOBE, 27 March 1856.
28. TORONTO DAILY LEADER, 27 March 1856.
29. MONTREAL GAZETTE, 28 March 1856.
30. TORONTO DAILY LEADER, 27 March 1856.
31. GLOBE, 27 March 1856.
32. IBID.

33. GLOBE, 27 March 1856.
34. LE PAYS, 3 April 1856. GLOBE, 31 March 1856, provides a word-for-word translation of Mr. J. Dorion's speech as reported by this newspaper.
35. TORONTO DAILY LEADER, 27 March 1856. In its commentary, GLOBE, 31 March 1856, specifies that Mr. Drummond arrived in the House while Mr. J. Dorion was speaking.
36. MONTREAL GAZETTE, 28 March 1856.
37. TORONTO DAILY LEADER, 27 March 1856.
38. LE PAYS, 3 April 1856.
39. TORONTO DAILY LEADER, 27 March 1856. GLOBE, 27 March 1856, specifies in a short telegraphic report that the debate on Mr. Bureau's resolutions occupied "most of the time till the recess".
40. GLOBE, 27 March 1856.
41. TORONTO DAILY LEADER, 27 March 1856.
42. IBID.
43. IBID.
44. GLOBE, 27 March 1856.
45. TORONTO DAILY LEADER, 27 March 1856.
46. GLOBE, 27 March 1856.
47. TORONTO DAILY LEADER, 27 March 1856.
48. GLOBE, 27 March 1856.
49. TORONTO DAILY LEADER, 27 March 1856.
50. GLOBE, 27 March 1856.
51. IBID.
52. TORONTO DAILY LEADER, 27 March 1856.
53. GLOBE, 27 March 1856.
54. TORONTO DAILY LEADER, 27 March 1856.
55. GLOBE, 27 March 1856.
56. IBID.
57. IBID.
58. TORONTO DAILY LEADER, 27 March 1856.
59. GLOBE, 27 March 1856.
60. TORONTO DAILY LEADER, 27 March 1856.
61. GLOBE, 27 March 1856.
62. TORONTO DAILY LEADER, 27 March 1856.
63. GLOBE, 27 March 1856.
64. IBID.
65. HAMILTON SPECTATOR SEMI-WEEKLY, 29 March 1856.
66. GLOBE, 27 March 1856.
67. TORONTO DAILY LEADER, 27 March 1856.
68. GLOBE, 27 March 1856.
69. TORONTO DAILY LEADER, 27 March 1856.
70. GLOBE, 27 March 1856.
71. TORONTO DAILY LEADER, 27 March 1856.
72. GLOBE, 27 March 1856.
73. TORONTO DAILY LEADER, 27 March 1856.
74. GLOBE, 27 March 1856.
75. TORONTO DAILY LEADER, 27 March 1856.
76. GLOBE, 27 March 1856.
77. MONTREAL GAZETTE, 28 March 1856.
78. TORONTO DAILY LEADER, 27 March 1856.
79. GLOBE, 27 March 1856.
80. TORONTO DAILY LEADER, 27 March 1856.

81. GLOBE, 27 March 1856.
82. TORONTO DAILY LEADER, 27 March 1856.
83. GLOBE, 27 March 1856.
84. IBID.
85. TORONTO DAILY LEADER, 27 March 1856.
86. GLOBE, 27 March 1856.
87. IBID.
88. IBID.
89. TORONTO DAILY LEADER, 27 March 1856.
90. GLOBE, 27 March 1856.
91. TORONTO DAILY LEADER, 27 March 1856.
92. GLOBE, 27 March 1856.
93. IBID.
94. IBID.
95. TORONTO DAILY LEADER, 27 March 1856.
96. IBID.
97. GLOBE, 27 March 1856.
98. IBID.
99. TORONTO DAILY LEADER, 27 March 1856.
100. MONTREAL GAZETTE, 28 March 1856.
101. GLOBE, 27 March 1856.
102. TORONTO DAILY LEADER, 27 March 1856.
103. GLOBE, 27 March 1856.
104. IBID.
105. IBID.
106. IBID.
107. TORONTO DAILY LEADER, 27 March 1856.
108. GLOBE, 28 March 1856.
109. TORONTO DAILY LEADER, 27 March 1856, differs from the JOURNALS in its enumeration of this division. It reports that Messrs. Bell, Scatcherd, and James Smith voted nay, while the JOURNALS report the names of Messrs. Bellingham, Shaw, and Somerville.

GLOBE, 27 March 1856, reports the following short comment on the debate: "[Mr. Mackenzie's resolution] was strongly supported by the Opposition. The Government earnestly resisted the motion--several of its members speaking against it. The feeling of the House was, however, so strongly with the motion, that Ministers had to yield the point rather than run the hazard of a hostile vote. To cover their retreat, the Inspector General demanded that Mr. Mackenzie would change the phraseology of his motion; the change would not have affected the end sought by Mr. Mackenzie, but he refused to yield, and Ministers taking advantage of the refusal, moved the previous question, and thereby dodged the vote on a party division."
110. GLOBE, 27 March 1856.
111. TORONTO DAILY LEADER, 27 March 1856.
112. IBID.
113. IBID.
114. TORONTO DAILY LEADER, 27 March 1856. It is impossible to ascertain which Mr. Smith spoke.
115. TORONTO DAILY LEADER, 27 March 1856.
116. IBID.
117. IBID.
118. GLOBE, 27 March 1856, and TORONTO DAILY LEADER, 27 March 1856, both report that this Bill was introduced by "Mr. Holton, in the absence of Mr. Young".



119. GLOBE, 27 March 1856.
120. TORONTO DAILY LEADER, 27 March 1856.
121. GLOBE, 27 March 1856.
122. MONTREAL GAZETTE, 28 March 1856.
123. GLOBE, 27 March 1856.
124. MONTREAL GAZETTE, 28 March 1856.
125. IBID.
126. TORONTO DAILY LEADER, 27 March 1856.
127. GLOBE, 27 March 1856.
128. TORONTO DAILY LEADER, 27 March 1856.
129. GLOBE, 27 March 1856.
130. TORONTO DAILY LEADER, 27 March 1856.
131. GLOBE, 27 March 1856.
132. MORNING CHRONICLE, 29 March 1856, reports the following commentary on the mandate given to this Committee: "When the motion first came up, Mr. Drummond said that the Committee to which the Government were quite prepared to consent, would be one 'not to enquire into the conduct of Judge Duval, but into the state of that part of the country at this moment, and into the conduct of the local magistrates.' From this we presume that the investigation now ordered will be confined to certain charges preferred against Paquet, the Justice of the Peace who was so material a witness for the accused,--and into the events which preceded the trial. Petitions from all parts of Upper Canada complaining of the denial of justice in this case have been presented to Parliament. It remains to be seen how far the appointment of this Committee whose enquiry may result in the dismissal of a country magistrate, and in a recommendation that a Police Force be permanently stationed at St. Sylvestre, will tend to allay the excitement and indignation which this affair has occasioned throughout the Province."
133. TORONTO DAILY LEADER, 27 March 1856.
134. MONTREAL GAZETTE, 28 March 1856.
135. IBID.
136. TORONTO DAILY LEADER, 27 March 1856.
137. MONTREAL GAZETTE, 28 March 1856.
138. IBID.
139. TORONTO DAILY LEADER, 27 March 1856.
140. IBID.
141. IBID.
142. GLOBE, 27 March 1856.
143. TORONTO DAILY LEADER, 27 March 1856.
144. IBID.
145. GLOBE, 27 March 1856.
146. TORONTO DAILY LEADER, 27 March 1856.
147. IBID.
148. GLOBE, 27 March 1856.
149. TORONTO DAILY LEADER, 27 March 1856.
150. GLOBE, 27 March 1856.
151. IBID.
152. IBID.
153. TORONTO DAILY LEADER, 27 March 1856.
154. GLOBE, 27 March 1856.
155. TORONTO DAILY LEADER, 27 March 1856.
156. GLOBE, 27 March 1856.
157. TORONTO DAILY LEADER, 27 March 1856.

158. TORONTO DAILY LEADER, 27 March 1856.
159. IBID.
160. GLOBE, 27 March 1856. TORONTO DAILY LEADER, 27 March 1856, here reports that Mr. Larwill "replied to the remarks of the hon. member for Lambton, and being somewhat personal, was called to order by the Speaker." This information does not seem to apply to this statement, but rather to the second intervention by Mr. Larwill, for which Mr. Sicotte's interruption is reported in both the Toronto Daily Leader and the Globe (see footnotes 170 to 172).
161. GLOBE, 27 March 1856.
162. TORONTO DAILY LEADER, 27 March 1856.
163. IBID.
164. GLOBE, 27 March 1856.
165. IBID.
166. IBID.
167. IBID.
168. IBID.
169. IBID.
170. TORONTO DAILY LEADER, 27 March 1856.
171. GLOBE, 27 March 1856.
172. TORONTO DAILY LEADER, 27 March 1856.
173. GLOBE, 27 March 1856.
174. TORONTO DAILY LEADER, 27 March 1856.
175. GLOBE, 27 March 1856.
176. IBID.
177. GLOBE, 27 March 1856. The ellipsis represents a missing County's name.
178. TORONTO DAILY LEADER, 27 March 1856.
179. IBID.
180. GLOBE, 27 March 1856.
181. TORONTO DAILY LEADER, 27 March 1856.
182. GLOBE, 27 March 1856.
183. TORONTO DAILY LEADER, 27 March 1856. Commentaries on this debate and on the proposed Bill are reported in WESTERN PLANET, 31 March 1856, and LA MINERVE, 12 April 1856.
184. According to GLOBE, 27 March 1856, the House adjourned at a quarter past eleven; while TORONTO DAILY LEADER, 27 March 1856, reports it adjourned at half-past eleven.
185. TORONTO DAILY LEADER, 27 March 1856.
186. GLOBE, 27 March 1856.
187. IBID.
188. IBID.
189. IBID.
190. TORONTO DAILY LEADER, 27 March 1856.
191. IBID.
192. GLOBE, 27 March 1856.
193. IBID.
194. TORONTO DAILY LEADER, 27 March 1856.
195. IBID.
196. GLOBE, 27 March 1856.
197. TORONTO DAILY LEADER, 27 March 1856.
198. IBID.
199. IBID.
200. GLOBE, 27 March 1856.
201. GLOBE, 27 March 1856.

- 202. TORONTO DAILY LEADER, 27 March 1856.
- 203. IBID.
- 204. IBID.
- 205. IBID.
- 206. IBID.
- 207. IBID.
- 208. IBID.
- 209. IBID.
- 210. IBID.
- 211. GLOBE, 27 March 1856.
- 212. TORONTO DAILY LEADER, 27 March 1856.



THURSDAY, 27 MARCH 1856

(189)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Cook,--The Petition of George Ford and others, of the Village of Ingersoll; the Petition of Amos Tripp and others, of the Township of West Oxford, County of Oxford; the Petition of Robert Layton and others, of the Township of Dereham; and two Petitions of the Municipality of the Township of North Norwich.

By Mr. O'Farrell,--The Petition of James H. Burke and others, of the City of Ottawa; the Petition of the Reverend S. Belleau and others, of the Parish of Ste. Croix, County of Lotbinière; and the Petition of Edouard Noël, of the Parish of St. Antoine de Tilly.

(190)

By Mr. Biggar,--The Petition of the Mount Pleasant Mechanics' Institute.

By Mr. Octave Cyrille Fortier,--Two Petitions of Narcisse C. Faucher, Mayor of St. Etienne de Beaumont.

By Mr. Hartman,--The Petition of William Goodson and others, of the Township of Glanford, County of Wentworth; and the Petition of Philip Spawn and others, of the Township of Ancaster.

By Mr. Aikins,--The Petition of Samuel G. Ogden and others, of the Village of Cooksville.

By Mr. Patrick,--The Petition of Levi Adams and others, of the Township of Edwardsburgh, County of Grenville.

By Mr. Labelle,--The Petition of the Reverend P.C. Dubé, Curé, and others, of the County of Laval.

By Mr. McCann,--The Petition of the Vaudreuil Railway Company.

By Mr. Cooke,--The Petition of the Municipal Council of the County of Pontiac; and the Petition of the Municipality of the Township of Wakefield.

By the Honorable Mr. Cartier,--The Petition of the College of Longueuil; the Petition of the Reverend Hedwidge Davignon, Superior of the Academy of Longueuil; the Petition of Les Soeurs de Miséricorde, of Montreal; and the Petition of the College of Ste. Thérèse de Blainville.

By the Honorable Mr. Attorney General Macdonald,--The Petition of Bothwell Gurnett and others, of the Township of Delaware; the Petition of the Kingston General Hospital; and the Petition of the Medical Faculty of the University of Queen's College.

By Mr. Clarke,--The Petition of James Ross and others, of the Township of Nicol and its vicinity.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Return to an Address from the Legislative Assembly, dated the 10th instant, for a Statement of Assessment Rolls of Municipalities which have effected Municipal Loans; the Annual Report of the Honorable the Post Master General; and the Annual Report of the Honorable the Commissioners (sic) of Public Works; and recommend that they be printed entire, and the usual number in both languages.

Resolved, That this House doth concur with the Committee in the said Report.

Ordered, That the Bill to facilitate the disuniting of the Counties of Lincoln and Welland, and to erect the latter into an independent Municipality for Judicial and other purposes, be read the third time To-morrow.

*Ordered, That Mr. Biggar have leave to bring in a Bill to incorporate the Brant County Bank.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

*Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to authorize the Courts of Queen's Bench, Common Pleas, and Chancery, for Upper Canada, to admit Geoffry Hawkins to practise as an Attorney and Solicitor therein, respectively.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

(191)

*Ordered, That Mr. Guévremont have leave to bring in a Bill to change the place of Sitting of the Richelieu Circuit Court.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.<sup>1</sup>*

MR. SOL. GEN. H. SMITH moved to suspend the 67th Rule of this house, so far as relates to the Bill to enable George Byron Lyon, Esquire, and family, to adopt the name of "Fellowes." He said that Mr. Lyon, a member of this house, in consequence of certain family connections in England, found it necessary to change the names of some of his children, and to change their name it was necessary that he should add "Fellowes" to his own. If it was to confer merely a benefit on Mr. Lyon himself, he should not ask the House to suspend the rule, but the object of the measure was to benefit certain younger members of his family.<sup>2</sup>

The motion was agreed to nem. con.<sup>3</sup>

(191)

*On motion of Mr. Solicitor General Smith, seconded by Mr. Crysler,*

*Ordered, That the 67th Rule of this House be suspended, as regards a Bill to enable George Byron Lyon, Esquire, and family, to adopt the name of "Fellowes."*

On motion of MR. J.S. MACDONALD,<sup>4</sup>

(191)

*Ordered, That the Petition of William Cook, of Mount Albion, Township of Barton, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

Mr. Murney, from the Committee of the whole House on the Second Report of the Standing Committee on Contingencies, reported several Resolutions; which were read, as follow:--

1. *Resolved, That the Second Report of the Standing Committee on Contingencies be amended, by leaving out the fifth and sixth paragraphs thereof.*

2. *Resolved, That this House do concur with the Standing Committee on Contingencies in their Second Report so amended.*

On the motion of MR. SOL. GEN. H. SMITH, the report ... was adopted.<sup>5</sup>

(191)

*The said Resolutions, being read a second time, were agreed to.*

MR. AT. GEN. J.A. MACDONALD, in the absence of Hon. Mr. Cayley, moved the third reading of the bill relative to Ordnance lands.<sup>6</sup>

(191)

*A Bill to authorize the commutation of claims on Ordnance Lands upon the transfer of such Lands to the Province, was, according to Order, read the third time.*

*Resolved, That the Bill do pass.*

*Ordered, That the Honorable Mr. Cayley do carry the Bill to the Legislative Council, and desire their concurrence.*

*The Order of the day for the third reading of the Bill to change the Constitution of the Legislative Council by rendering the same elective, being read;*

*The Honorable Mr. Cauchon moved, seconded by the Honorable Mr. Attorney General Macdonald, and the Question being proposed, That the Bill be now read the third time;*

MR. AT. GEN. DRUMMOND rose and said, Mr. Speaker, I would like to say a few words upon this measure before it passes through its third reading. I am accused of insincerity with reference to this bill. It is true that I may to a certain extent attribute that to an expression which dropped from myself, when I said on a former occasion, that my heart was not with the measure. I admitted that it was a question of time, and being deeply impressed with the conviction that the prosperity of the country depends less upon the peculiar organization of its government, provided its organization is such as to leave free action to the citizen--believing, sir, that the civil and municipal laws are more essential to the prosperity of the people, than the peculiar organic form of its government, and that no change in its organic form of a government should be resorted to unless it be absolutely requisite, unless there be a strong pressure from without, and unless the people be so fettered by their constitution that they cannot have free action, and cannot freely and fully develop the material<sup>7</sup>, moral and intellectual resources of the country<sup>8</sup>--being under that impression, I should have wished to remain sometime longer as we were.--I believe that the desire to agitate this question arose from an old prejudice, in consequence of a peculiar state of things which existed at a time when we had not a free constitution. I believe that for several years the Legislative Council had acted freely and harmoniously with this house, except on one or two occasions. I would have, therefore, willingly consented to remain as we were for a time longer. But yet being convinced that there were in our Upper House elements of dissolution which must necessarily, and before many years went round, would render it utterly incompetent to form a part of our constitution, and to carry out the objects for which it was constituted<sup>9</sup>--(hear, hear)<sup>10</sup>; and when the question was pressed upon me, I did not hesitate to give my assent to it, and therefore I should have wished that we had allied ourselves to other forms than that. But I never did approve fully the manner in which that council was formed. It was an attempt to imitate the House of Lords in England, in this country, but at the same time, I must say without disparagement to the hon. gentlemen who are members of that council<sup>11</sup>--for in disparaging them I would be disparaging myself--that the social condition of the people of England being entirely different from that of the people of this country,<sup>12</sup> I say that the attempt to give us a transcript of the constitution of England, in so far as the House of Lords is concerned, is like the attempt which the child makes to build with a few cards a castle to imitate one of the old gothic structures of Europe. I felt that as that Council had for some years acquired the habit of acting in opposition to this House, that it became necessary for one of the administrations



organised upon the principle of Responsible Government, to appoint a certain number of gentlemen to that House to represent the opinions (sic) of the administration of the day. After that another species of element was admitted into this House by placing it in the power of the administration to extend the numbers of that Council to an unlimited extent; and if the various administrations of the day had found themselves necessitated after a lapse of years to resort to the same course, they would have fallen into utter contempt. And viewing it in this light, I felt that this body containing within itself the elements of dissolution, that before long it would become necessary to remodel it. I should have wished to delay it for some time, but it having been urged upon me that the people were in favour of this change, it was for this reason, and none other, that I acceded to it. But I have acceded to it cordially,<sup>13</sup> having consented to join in an address to the Imperial Government to obtain power to remodel this second branch of our Legislature, and having contributed in having a measure to attain that object which met with the most unanimous approval of the country.<sup>14</sup> And I feel at the present moment that this change which has now come to be looked upon by this house, and the people of the country, as a great and important reform,—I must say that I look upon this change not only as important, but as absolutely necessary at the present moment, (hear, hear,) not only to satisfy the members of this house, but also for the sake of the members of the Upper House. I think by resisting longer the change proposed, that the members of the other house will place themselves in a false position before the country. (Hear, hear.) I trust that they will not do so; that they will see that the representatives of the country are determined upon a change of some kind. It is true that they have the fate of this measure in their own hands, and it is true that they may say, "We will remain as we are, in opposition to the expressed views of the people," but I believe there is too much good sense and intelligence in that House to follow such a course, and in that respect I consider that house to be equal to our own, and I think there is too much patriotism in it<sup>15</sup> to admit of any apprehension, of any act upon their part which would place them in irremediable antagonism with this House.<sup>16</sup> But if I may take upon myself to throw out a gentle and respectful hint to those hon. members at the same time, I would implore hon. members of this house to view the position in which the hon. gentlemen of the Upper House stand, and to view with cordiality any attempt upon their part to meet our views in this respect; because we must admit that it is a very great sacrifice which we call upon them to make for the interests of the country, and if they should think proper to meet us, and we to change the measure that we should send up to them in some unimportant details<sup>17</sup> which may not destroy the principle of the Bill<sup>18</sup>, I hope that we shall be able before we separate to see a measure passed which will be for the interests of the people, of the country at large. I am told that this change would involve other and more serious changes. I believe it, and have always done so. (Hear, hear.) I have always believed that it will lead before long to the necessity of abandoning principles and precedents, and laying down written principles. (Hear, hear.) It was this dread of unnecessary change that made me slow and loth to consent to this measure,<sup>19</sup> but should we shrink from any change that should be necessary in the constitution of this country now, because it may be found necessary to make other changes at some future time?<sup>20</sup> (Hear, hear.) No. Whatever change may become necessary in course of time, I trust that the representatives of the people of Canada will be able to meet that change and to meditate over the necessities of the country. And although it may be necessary to make some change in the rules or the authorities to which we should resort for guidance in our actions in either house,<sup>21</sup> and to abandon, to a certain extent the precedents to which we have been accustomed to look,<sup>22</sup> I trust that the representatives of the people who will come hereafter, may be prepared to meet those exigencies with calmness and moderation,

and resort to no wild theories. I trust that this will be the last we shall hear for some time of any organic change in our country. (Hear, hear.) And I trust that hon. members will allow me to say a few words upon the subject, because I think that this constant discussion of the Constitution, and of changes for the future, are calculated to disturb men's minds, and to take them away from that work of legislation which we are sent here to carry out for the interests of the people. There is another change which is talked about every day; a change in the Federal Union of the Provinces. I speak of the Federal Union because, in the first place, the question of "Representation by Population" has been, by the hon. member for Toronto, to a certain extent, attached as a necessity to the question of a Legislative Council. Well, I think that the question ought to be met at once, and I think it ought to be perfectly understood, that if Representation by Population is to be forced upon the people of Lower Canada, they must seek for another state of political existence. (Hear, hear.) I wish that to be understood. I do not mean to say, when speaking of "another state of political existence," that we are to throw off all allegiance to the glorious flag of England. (Hear, hear.)<sup>23</sup> But I mean to say that if we are to be driven into any position which would lead to a radical change in the federal principle upon which the union between Upper and Lower Canada was formed--then I say we must have a federation of all the British provinces. But how can we at the present moment contemplate a union with the provinces of New Brunswick and Nova Scotia and Newfoundland? I maintain, sir, that there can be no political union between several countries unless that political union has been preceded by a social and commercial union. Now, Sir, what are the links that bind us to these Provinces? Do we know as much of them as we do of the people on the other side of the water? No, not nearly so much.<sup>24</sup> We have more commercial relation with the latter, than with the people in the Lower Provinces; but I say, let us endeavour to cultivate our relations with those who ought to be our natural friends and neighbours; and let us not talk of a political union, until we have effected a social and commercial one. If I saw railroads connecting us with the sea-boards of the Lower Provinces, and a large trade carried over that railroad<sup>25</sup>;--if I saw steamboats connecting Quebec with New Brunswick, and Nova Scotia, and Newfoundland;--if I saw a constant interchange of feelings and of sympathies, and of the products of these Provinces--I should then be disposed to discuss the propriety of a Federal Union with them. (Hear, hear.) But so long as we continue as we are;--so long as we can work out this Union now existing between the two Canadas, harmoniously as we have hitherto done;--so long as this Union will produce such valuable fruits as it has done--a Union which has raised us from being a poor, affl[i]cted, and depressed Province, to a position which has excited the admiration no less of the mother country than of France and other nations in Europe--a union which has led to such glorious results as to cause the leading journal in the United Kingdom to call upon the statesmen of Britain to consider the rapid strides we had made, and even to take lessons from the example we have given to the world. So long, sir, as we can continue to work out that union as we have done, let us be content with it,<sup>26</sup> and let this for Heaven's sake, be the last time we shall hear of organic changes for many years to come.<sup>27</sup> (Hear, hear.)<sup>28</sup>

MR. J.S. MACDONALD was so far pleased that the Bill had not gone to the Upper House unaccompanied by the declaration of the hon. Attorney General; at the same time<sup>29</sup> [he] did not subscribe to all that his hon. friend had just said. He did not think that those great organic changes alluded to by his hon. friend would ensue from the proposed measure. He did not believe that the passing of this Bill would effect such radical changes in the affairs of this country.<sup>30</sup> The people of this country act with deliberation in any great change they wish effected. The Clergy

Reserves question was a subject of discussion for 25 years. The Seigniorial (sic) Tenure question had also been many years before the country before the Bill was passed; and even this very measure now under consideration had been talked of less or more for the last 25 years. That being the case he did not think the people would desire any immediate change<sup>31</sup>. He thought it would be better if the hon. gentleman would give the matter more deliberation, and until the people of this country would have sufficient time to examine in what way it would be likely to work.<sup>32</sup>

MR. AT. GEN. DRUMMOND did not say that this measure worked well, and that the Government would not interfere with it if it proved mischievous.<sup>33</sup> But it would be no proof that it did not work well; although other changes would necessarily be superinduced by the working out of that measure.<sup>34</sup>

MR. J.S. MACDONALD said he did not intimate that the house desired to have an influence over the country in the manner that some hon. gentlemen at this side would imagine, for they say if you pass this bill, the next step required will be annexation. Now a written constitution will be sufficiently powerful to avert that calamity. He did not, however, think that any such extreme case would result from the passing of this measure.<sup>35</sup> [He] was not afraid that if they left to the people the right of governing themselves, they would work out this measure conformably with the feelings of the majority of the people of the country. It was well known that the Upper House had not exercised the influence in the country which was expected. The late Governor General had said that it was necessary in order to give this important branch of the Legislature weight and influence, it was most desirable that some change in its constitution should be made. But although that change was effected it did not follow as a necessary consequence that we must have a written constitution. Such a constitution was not to be forced upon the country until the people themselves considered that it was best for the interests of the country that it should be so. He was glad to hear the hon. Attorney General say that his heart was with this Bill. In fact he was now more than ever convinced that the Government were really in earnest in this measure, and if they use their influence on the Upper House<sup>36</sup>, or at least upon those members of it who are opposed to them, the passing of this measure will reflect upon them the thanks of this Province.<sup>37</sup> The hon. gentleman had launched out into other subjects,--federation of the Provinces, representation by population, and other[s]<sup>38</sup>, and with the usual significance which is attached to whatever he brings before the house, [they] would seem of some importance. But they had in reality nothing to do with the affairs of the upper house. He would not, however, deem it necessary to launch any further into the topics which his hon. friend had spoken of.<sup>39</sup> He supposed that gentleman had information relative to this subject, which had induced him to enter upon that line of remark, and which information would, no doubt, shortly become public. At any rate, he held that those remarks were full of good sense, and he was very glad to hear them.<sup>40</sup>

MR. FELTON was sorry to oppose the bill at all, but must do so in justice to the British part of the population of Lower Canada. In the representative bill it was assumed that the British population was one-quarter of the whole of Lower Canada, and the proportionate representation was awarded them in that bill; but in this bill no more than three representatives could be returned by the British population out of the 24 of which it was to consist.<sup>41</sup> [He] would express the difficulty he felt in comprehending upon what basis of relative population the hon. Commissioner of Crown Lands had predicated this bill--for by the last census it was shown that<sup>42</sup> the French population of Lower Canada was 700,000, and the British population 150,000.



Whereas, the present bill gave them only so many members as would be fair for a population of 75,000. In general, every three constituencies in the Lower House had one representative awarded them in the Upper House. But there was one instance in Lower Canada in which only one Legislative Councillor was given to five constituencies.<sup>43</sup> He contended, therefore, that the amount of population of that section of the Province was entitled to at least an equal representation in proportion to their constituent numbers in the Legislative Assembly. It had been said that he (Mr. F.) was actuated herein by a local interest, the people of his own part of the country being desirous of enforcing their claims to a fuller representation in the Elective Legislative Council. He did not see that there was good reason to disclaim the influence of a just regard for the constituents within and adjoining his own. He therefore moved the amendment ... of which he had given notice, viz: "that the bill be not now read a third time, but be recommitted for the purpose of amending the schedule A in such a manner as to increase the representation in the Legislative Council of the population of Lower Canada of British origin, in proportion to the representation now enjoyed by it in the house."<sup>44</sup>

MR. COM. CR. LANDS CAUCHON said, the question raised by this amendment had been fully discussed last session, and also this session, when the Bill was in Committee. It was not necessary, therefore, to go fully into it now. Because too much representation had been given to certain localities for the House of Assembly, that was no reason why the same system should be continued for the Legislative Council.<sup>45</sup> When the representation bill was passed some injustice was done in favor of some parts of the country, in order to secure a two-thirds majority. Thus, Sherbrooke got a representative, though it had but one thousand souls, and it would be absurd to give a disproportionate representation to a part of the country in the Council, merely because that part of the country had more than due justice done in the representation of the Assembly.<sup>46</sup> In making the division into districts, he had proceeded, as much as possible, on the population shown by the last census as a basis. He did not think the question of origin should be raised.<sup>47</sup> If the divisions of race were to be reckoned divisions, religion must be considered also. Then the Catholics in Upper Canada must be represented in a distinct manner, and the ... French Canadians scattered through Upper Canada must have a representation also. The truth was, however, that the Eastern Townships<sup>48</sup> were ... rapidly filling up with French Canadians; and there was every reason to believe that the British population of those counties were selling their land to Lower Canadians and going elsewhere<sup>49</sup>; and when they preponderated, why should they have a larger representation than the French Canadians elsewhere?<sup>50</sup> Hence the question of the representation of the English population in Lower Canada, ought not, he thought, to influence the decision of the House in this matter. Under all the circumstances,<sup>51</sup> he believed it was impossible to make a better division than that in the schedule, which, instead of being unfair to the Lower Canada British, allowed them a larger representation than they were entitled to by population.<sup>52</sup>

MR. FERRES.--How many members will they have?<sup>53</sup>

MR. COM. CR. LANDS CAUCHON.--Three at least. But it might as well be insisted on to give the 40,000 French Canadians in Upper Canada, representation in Parliament, as to give a larger representation to the British in Lower Canada. But those French Canadians in Prescott and Russell, and other Upper Canadian counties, were represented by British members, and did not complain. The sooner they got rid of those distinctions, the better.<sup>54</sup> In conclusion, the hon. gentleman stated that so long as they saw that a majority in this or in any other part of the count[r]y were

unwilling to deprive the minority of their rights, they ought not to vote for the amendment.<sup>55</sup>

MR. TERRILL, as the seconder of the amendment, considered it well to put it on the journals of the House, although he had little hope of its being carried.<sup>56</sup> In justice to themselves and to the localities represented by them, each member ought to record his sentiments and vote upon the Journals of the House in connection with this important question. In the discussion of the principles of this measure the question of origin or religious opinions should be kept entirely out of view, and in the selection of representatives from any locality the men (*sic*) who was best suited and most likely to represent the general interests should be selected, no matter ... what may be his origin.<sup>57</sup> Before the increased representation in the Lower House, the British in Lower Canada had seven or eight members out of 42; or one-sixth of the whole. Since the increase, they had only about one-seventh, and now in the Upper House<sup>58</sup> by the plan proposed by the Commissioner of Crown Lands they would only have a twelfth of the representation; so that the plan proposed involves the infliction of a further and deep injury upon the British population. This was very undesirable, as it was impossible to shut the eye to the continued aggressions which were arising around us in that quarter. And it is well known that it is possible so to place or adjust the districts that those of British origin would be placed in a minority.<sup>59</sup> If they submitted to it much longer, the existence of the English population of Lower Canada would be ignored altogether.<sup>60</sup> It was his (Mr. T's) first intention to have directed the attention of the House to some other points; but he would not do so at present, reserving his remarks for the time when the clause came up as to another locality. He would direct attention to the population of Wellington, Missisquoi, Shefford, and the very unfair mode by which they were represented, proving that in the arranging and subdivision of these localities greater care should have been taken.<sup>61</sup> He had found that the district of Wellington, which contained an English population, and was to send one member, had at the last census a population of 47,000, while other districts had not a population of 30,000. It did appear to him that the hon. Commissioner, seeing the great majority there was for the measure in the house, and the probability there was of its being passed in the other house, might make a concession on this point, and approximate to a measure of justice to a large section of the population.<sup>62</sup>

MR. FERRES did not think the views of the Commissioner of Crown Lands and the Attorney General could be well reconciled. The latter gentleman stated that the Union between the two Provinces could not exist on the basis of Representation by Population. But the hon. Commissioner said he had regard to that principle in making the division of districts in the Lower Province.<sup>63</sup> What better argument could be given in favor of the doctrines of those who clamored for representation according to population, throughout the province?<sup>64</sup> But it was to be regretted when he [Mr. Cauchon] consulted the census that he had not done so more effectually. In Lower Canada, there was a British population of 220,000 and one of French origin of 669,000; but the former, and under the plan proposed by the hon. Commissioner of Crown Lands, could not by any possibility have more than three members. He (Mr. F.) was not at present, under view of so unjust a position, prepared to vote for representation by population; for our representation ought to be a compound one, not only regarding mere population, but also intelligence, wealth and worth. Now if the hon. Commissioner of Crown Lands had taken these also into consideration, the British population would have been entitled to one-third of the representatives, whereas, we cannot by any possibility have more than one-eighth. It should be impressed upon the members from Upper Canada, that they should reflect that there may come a time

when an English representative in the Upper House, may be of very great service to the general interests of the country, and it will be for those hon. gentlemen to say, at the present moment, if the English population are to have justice done them. The hon. Commissioner had stated that he was not aware but that it would be tried to have a representation based upon religious belief; but when using that argument the hon. gentlemen (*sic*) ought to have reflected that there could be no such recognition of Church and State principles, because that House has solemnly declared that there shall never more be any such connection in this Province. It was a pleasing reflection that the Eastern townships were being settled by French Canadians, still in the settlement of a question of such vital importance the House ought to take into consideration that<sup>65</sup> if it was true that the Eastern townships were filling up with French Canadians, and that they would swamp the English vote,<sup>66</sup> there is the greater reason why the divisions now about to be made, should in the outset give a certain number of representatives to the English population, as it may be inferred that in the increase which will take place, and under the present plan, the English population could not be represented in the Legislative Council.<sup>67</sup> If this was not done, there would be an amount of dissatisfaction produced, and it would be hard to say to what that might lead.<sup>68</sup>

CAPT. RHODES said he did not agree with the observations made by previous speakers, and the objections which they had raised to the measure before the House, and from the fact that in the section of the country which he represented the people do not object to being represented (*sic*) by Lower Canadians of French origin, and his own opinion was most decided that as to education and general worth the balance was in favor of those Lower Canadians against whom so much had been argued. Again he could aver from experience that he could work together with them in every respect much better than with those<sup>69</sup> who are usually called British Canadians, and he believed that, in time of difficulty, none would be found more British than the French Canadians.<sup>70</sup> In justice and fairness he felt himself bound to state the fact; and in taking this course it was an independent one. On a previous occasion, about a fortnight ago, he had not hesitated to stand forward and express his strong convictions upon a matter which came before the House connected with Lower Canada<sup>71</sup>, the Corrigan affair<sup>72</sup>; and he had taken that course well knowing that he was sent to that House by French Canadians<sup>73</sup>, and, therefore, Catholics;<sup>74</sup> at the same (*sic*) time [he was] fully convinced that they would support him in the course which he had taken, being too liberal to wish him to act differently. He (Mr. R.) did not think that any injustice was done to the British portion of the country by the present measure, and he felt certain that they would be fully represented in the Upper House. It was not desirable that any feelings otherwise than friendly should be entertained; for his own part he (Mr. R.) entertained the same feelings towards his Lower Canadian fellow subjects as he did to an Irishman, Welchman or a Scotchman, all of whom he considered fellow-subjects of the vast British Empire. It was desirable and it was certain that the Lower Canadian and English people could work harmoniously together without any danger that their interests would be compromised thereby, and feeling convinced that the views taken by the hon. Commissioner of Crown Lands were correct he was disposed to support him.<sup>75</sup>

MR. AT. GEN. DRUMMOND said that the remarks which had fallen from the previous speaker were correct and in unison with his own, long formed, that no course should be taken to distinguish one portion of the people from the other. He would observe that it would be generally found that the largest portion of those of English or British origin would be found in large cities such as Quebec, Montreal, &c.<sup>76</sup>, and surely they were sufficiently represented. The British population had, therefore,



no just cause of complaint; but while there was nothing to be said in this matter in reference to race, he did not think that the distribution of representation in the Eastern Townships was very fair, because the population there had increased with great rapidity, in a few years, since the last census was taken.<sup>77</sup> He would admit that the census upon which the present scheme was predicated may not at the present moment be so correct as could be wished, and the hon. gentleman who offered some observations thereupon may be correct in his observations, as at the present day the population in many localities was unde[r]going very rapid changes, and the knowledge of the hon. gentlemen (*sic*) of that increase may be doubtless perfectly correct, as a rapid emigration had taken place arising from two railroads in course of formation in that district. But based upon the census, the only reliable source for the Government to take, the distribution of representatives which they had made was a just and fair one. At the same time he (Mr. D.) was of opinion that when another census was taken, the House would have to make some further changes in the representation, and if at that time it should be found that any injustice had been done, he was sure that it would ever be the anxious desire of that House to render justice where it was proved to be due. He would further state that he was firmly convinced that the hon. Commissioner of Crown Lands was anxious to avoid drawing a line of distinction between races, although Lower Canada was originally peopled by French, and the new townships were filling up by those of French extraction. Should it be found that districts were not properly represented, it could be changed in the course of a few years.<sup>78</sup> But in the mean time he thought it best to pass the Bill in its present shape.<sup>79</sup>

MR. BELLINGHAM said he had furnished the member for Brome (Mr. Ferres) with the statistics he had made use of, and he could vouch for their accuracy. He thought a better arrangement might have been made, that would have given a measure of fairness to the English population.<sup>80</sup> The best method of arranging the matter was to give each class of the population independent action. In that case the best man was always chosen, whereas when the two classes acted together the choice was always made to turn on the consideration of race. He thought the Government might have made a county of the tract at the back of the seigniories on the north shore of the St. Lawrence, and so might recognize the large English population residing there, of which nothing was now known in the Legislature.<sup>81</sup> [He] thought that the house should not enter into the question now, as the country was increasing every year; and in ten years vast tracts of country would be inhabited which are waste now, and would claim to be represented also.<sup>82</sup>

MR. SANBORN said the question ought to be looked at calmly, independently of the feeling that was apt to arise from the distinction of race.<sup>83</sup> [He] wanted to know how the Attorney General could reconcile the principles he now advocated with those he held some time previously. The English population in Lower Canada had the same laws as those in Upper Canada.<sup>84</sup> The Attorney General would not admit Representation by Population for Upper and Lower Canada. Why should he not admit the same conclusion, in regard to the two populations of Lower Canada? The member for Megantic (Mr. Rhodes) seemed to throw on him and his friends the imputation of being less disposed to harmonize with the French Canadians than he was. He did not think that their acts either in this House or out of it laid them open to this imputation.<sup>85</sup> It was his (Mr. Sanborn's) desire to avoid all collision between opposite sects in Lower Canada.<sup>86</sup> He believed the bitterness of feeling between French and English Canadians was dying out, and that they were gradually harmonizing. But to carry that out, it was necessary that justice should be extended to both. To go to

a wider subject, he fully agreed with the Attorney General, that it was desirable to maintain the Union between the two Provinces. He believed the history of all countries showed that the dissolution of Unions like this tended to produce weakness. The agitation of it chiefly proceeded from Upper Canada, but he thought it was a mistaken one.<sup>87</sup> Those who desired a dissolution of the Union, did not look at the matter in all its bearings. Upper Canada is a great agricultural country, and has a great many other advantages; but then it is inland, and it must look to Lower Canada for its sea ports; and, looking at the matter in this way, the advantages of both sections of the Province are equal.<sup>88</sup> But the other remarks of the Attorney General that we should resist other organic changes were scarcely consistent with his view that this measure would lead to a written constitution and other changes. He (Mr. S.,) looked upon this measure as introducing the element of another constitution. He did not look upon it with disfavour on that account. He did not think Responsible Government suitable for Canada. (Hear, hear.) Some honourable members manifested derision at this statement; but he believed another six or eight years would prove it. If the internal weakness of the Government, which had a majority of two to one, did not arise from some cause of this sort, he would like to know from what it did arise. The country was not satisfied with that Government, but it was said--"if you dissolve it, where can you find another, where is your party?" Nor was this the first time that this state of things had arisen. They had seen the last Parliament driven to the same dead lock, and forced to go to the country<sup>89</sup> before half its term had expired, and for what? Not to propound any great policy, but to meet the necessity of the new and unprincipled combination.<sup>90</sup> The Government then broken up was succeeded by certain combinations, immoral in their nature, and carried on in the same spirit as they were entered on. (Hear, hear.) It was only in that way that the Government of this country could be carried on, and the reason was, that the system was bad. And when they were driven to any side issue, like that raised on the Judge Duval case, what was the consequence? No Government was safe, for men would express their opinions when they hold them strongly, and would vote in accordance with their feelings on those subjects. But, if there was a written constitution, and a Government carried on by parties, each party having a line of policy definitely marked out which they could follow, and the Government standing or falling on their main policy--holding office so long as they could maintain their party--would they, in that case, witness results of this kind?--would men be compelled, as they were, from day to day, to prostitute their consciences--(order!) --and to vote against what they believed to be correct?<sup>91</sup>

MR. SICOTTE the SPEAKER.--Order!<sup>92</sup>

MR. SANBORN.--I conceive I am perfectly in order. I am not accusing any hon. member of doing it. I am merely stating a general principle.<sup>93</sup>

MR. SICOTTE the SPEAKER.--The hon. member is out of order in saying that the members of this house have prostituted their consciences.<sup>94</sup>

MR. SANBORN said that, what he meant to say was, that the tendency of the system was to produce results of that description, and that the carrying out of the system could not fail to produce these results. He had been led somewhat from the question before the house, but he was glad to have an opportunity of expressing the conviction he had on this subject. He had no hesitation in declaring it, and he believed the history of this country would prove it, and that at no distant day. He believed that the effect of the introduction of this element would be, as the member for

Lambton had often said, to render the machine of Responsible Government more complicated, and still more difficult to be worked than it had hitherto been. The measure, however, did not displease him, because it would give rise to the necessity for still further changes and those changes he believed would be for the benefit of the country--not, however, because they were radical in their nature, for he believed them to be conservative, and for that reason he desired to see them introduced. He was himself a Conservative to some extent. He desired a change in the present system also, because the system he hoped to see introduced would be better adapted than the present to the position of Canada, and would tend to harmonize the adverse interests of the two sections of the Province.<sup>95</sup>

MR. A. DORION thought the discussion to which the Attorney General had given rise on organic changes entirely premature. As to the motion before the House, he could see no reason for it. The English population had always had a greater representation than its fair share in the House of Assembly, and it had so still; and as to the representation which they would hereafter have in the Legislative Council,<sup>96</sup> [he] saw, upon looking over the list in his hand, that there were six electoral divisions which [would] send a representative of British origin to the Council Chamber<sup>97</sup>, namely:--Delorim[iler, Victoria and Inkerman, in addition to the three already spoken of--Bedford, Wellington and Sherbrooke.<sup>98</sup> The hon. member for Montmorenci was incorrect in his conclusions even on this subject. The proposed measure would disfranchise the French population of Montreal. That city which possessed between 65,000 and 75,000 inhabitants ought to have been divided into two divisions, but another division was here sought to be introduced which was neither to be found in the municipal or electoral divisions of the city. The division of Victoria, with a population of 45,000 or 50,000, (the largest of any of the divisions) would be represented by only one member, while the other one-third of Montreal would be almost disfranchised, being swamped, as he might term it, by the two Counties of Jacques-Cartier and Laval. He had no objection to let the bill pass without moving a single amendment, but he wished to see that principle recognized that would be a fair one, and to see the Upper House made elective; and he did not anticipate, nor evidently did the Attorney General East, that this would be a final settlement of the matter, and that no further demand for organic changes should be made. (Hear, hear.) He was quite certain that before one or two sessions elapsed petitions would be presented to the house asking for another change, (hear, hear,) because he did not consider that this bill was the one required, and he had no doubt that as soon as this bill was passed the effect would be as he had said. He hoped the Legislative Council would make amendments so as to render the old body elective. (Hear, hear.)<sup>99</sup> But he would willingly accept the bill with all its faults<sup>100</sup> as the recognition of the principle, that the Legislative Council ought to be made elective in all its details, and he hoped that that body would throw no obstacle in the way. That body had seen that popular opinion is in favour of the elective principle, and the feeling was growing stronger and stronger. The hon. mover in the Legislative Council of an amendment to carry out that principle would secure to himself a permanent seat in that chamber. (Hear, hear.) He (Mr. D.) would be willing to accept the amendment proposed, as he thought it would be acceptable to the country. He did not see why any distinction should be made between the preponderance of English or French population in a matter of this kind. The whole population should be represented equally, as nearly as possible, consideration being had to the different localities in making a proper apportionment. He did not see any ground for the hon. member for the Eastern townships making any complaint. That hon. member always had his full share of representation in that house.<sup>101</sup> The speaker concluded by again expressing his opinion that the members of the Upper House should all be made elective.<sup>102</sup>



MR. LORANGER said, the French population of Canada had always been very proud of having no prejudices, either civil or religious, and entertaining no political differences as to origin. They had shown in various instances that whether a man was, English, Scotch, Irish or French Canadian, there was no prejudice against him on their part. In addition to what the hon. member for Montreal (Mr. Dorion), had stated, he would ask leave to mention to the house that on many occasions the French population of counties exclusively French, had returned Englishmen as members. He would refer in support of this statement to the hon. members for Chateauguay and Chicoutimi, and the county represented by the Solicitor General. (Oh! Oh!) Montreal returned two English members, which was not done according to population. (Hear, hear.) The County of Vercheres which was represented by the Provincial Secretary for twenty years, had returned Mr. Leslie, an Englishman. Berthier had returned Mr. Armstrong for ten years. Three Rivers had returned English constituents--Quebec, Mr. Neilson for some years--Richelieu, Dr. Nelson. He did not mention the Attorney-General East, for they claimed him as a Frenchman--(laughter)<sup>103</sup>. Le comté de Rimouski envoya à la Chambre l'hon. M. Baldwin et ce fut comme en échange de ce compliment que le comté d'York donna son vote à M. LaFontaine.<sup>104</sup> He mentioned this catalogue, just to show the House that, in such matters, the French Canadians were not all actuated by motives of difference in origin. (Hear, hear.) What they wanted was, a fair distribution of places, honors, dignities, and duties, amongst the different races occupying this country. He had said often, and would repeat, that if Upper Canada wanted to act otherwise, that the French population would break up the Constitution.<sup>105</sup>

MR. FELTON.--Entendez! Entendez!<sup>106</sup>

MR. LORANGER.--Oui entendez-moi, car je ne suis que l'écho de la volonté ferme des Canadiens-Français. Entendez-moi, car en ce moment j'exprime, j'en suis sûr, l'opinion des députés français des deux côtés de la Chambre. Nous ne voulons nous soumettre à aucune distinction de races. Ce que nous sommes prêts à accorder aux autres nous l'exigeons aussi pour nous. Le bill qui vous est présenté aujourd'hui est connu depuis longtemps du pays entier. Le Parlement l'adopta pendant la dernière session; quelle raison peut-on avoir aujourd'hui de lui barrer le chemin du Conseil législatif ou de le modifier? Aucune qui soit réellement valable, et quant à moi j'ai tout espoir de voir la très grande majorité de la Chambre rejeter non seulement cet amendement, mais tous ceux qu'on pourra présenter relativement à ce projet de loi.<sup>107</sup>

MR. FELTON explained that they asked no more than representation in proportion to their population, in the other House. If the hon. member for Lapra[i]rie had stated that the French Canadians would not submit to injustice in this matter ... he (Mr. F.) would like to know why that hon. gentleman should endeavor to force the English residents in Lower Canada to submit to injustice? He for one, was prepared to strive against any injustice which might be directed against the French Canadians inhabiting the Lower Province; and he hoped that their representatives in the House would stand by him in seeking justice for the English inhabitants of that Province.<sup>108</sup> [He] replied to Mr. Dorion, alleging that the greatest number of members which could be returned by the British of Lower Canada was four instead of three,--the fourth being a member for Victoria, from the west half of Montreal.<sup>109</sup> If, in that division there was not a majority of British residents, he would give up the question. He would appeal to the member for Montreal if such was the case.<sup>110</sup>

MR. HOLTON, in reply, stated it was his impression that such was the case.<sup>111</sup>



MR. FELTON then went on to say that in such a case, he considered they were entitled to send eight members to the Upper House, instead of four, as at present.<sup>112</sup> He would like to know why the people of Lower Canada of British descent, should be satisfied with an unfair representation because ... the French population sent in Englishmen as members? Justice should be done to all parties.<sup>113</sup> He would maintain that if they assumed the basis laid down by the census, they would be fully justified in saying that at the present time they were entitled to at least one-third part of the representation of Lower Canada.<sup>114</sup>

MR. J. DORION (Arthabaska) was in favor of the amendment, although he could not agree with the hon. member for Richmond and Wolfe, in basing the question on a national feeling. He would object to such a basis. It ought to have been put on the question of representation by population. It was all very well to say that the basis of the present division had been settled on the last census,—that was some six years since; but if the census was now taken, it would be found that the population had increased over seventy-five per cent, and this increase extended over the whole section of the country embraced in the amendment. He would therefore go for the amendment, believing, as he did, that the population of that section of the country had not been fairly represented.<sup>115</sup>

The House then divided on Mr. Felton's amendment<sup>116</sup>.

(191)

*Mr. Felton moved in amendment to the Question, seconded by Mr. Terrill, That all the words after "now" to the end of the Question be left out, and the words "recommended to a Committee of the whole House, for the purpose of amending the Schedule A, in such manner as to increase the representation in the Legislative Council of the population of Lower Canada of British origin, in proportion to the representation now enjoyed by it in the House" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:—*

YEAS.

*Messieurs Aikins, Bellingham, Brown, Cameron, Christie, Cooke, Jean B.E. Dorion, Felton, Ferres, Ferrie, Frazer, Gamble, Gould, Hartman, Larwill, Mackenzie, Patrick, Sanborn, Scatcherd, Somerville, Terrill, Whitney, and Wright.--(23.)*

(192)

NAYS.

*Messieurs Alleyn, Bell, Biggar, Bowes, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Conger, Cook, Crysler, Daly, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Foley, Thomas Fortier, Fournier, Freeman, Gill, Guévremont, Holton, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Papin, Polette, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, Southwick, Spence, Taché, and Thibaudeau.--(64.)*

*So it passed in the Negative.*

Six o'clock having struck MR. SICOTTE the SPEAKER left the chair.<sup>117</sup>

MR. SICOTTE the SPEAKER took the chair at half-past seven o'clock.<sup>118</sup>

The consideration of the Legislative Council Bill was resumed.<sup>119</sup>

(192)

*And the Question being again proposed, That the Bill be now read the third time;*

MR. FELTON then moved in amendment--"That the said Bill be not now read, but that it be recommitted for the purpose of amending the Schedule A, by assigning an additional Legislative Councillor to the constituencies of Drummond, Arthabaska, Richmond and Wolfe, Compton, Stanstead and Sherbrook[e] town, now represented by five members in this house." He said that, dividing the whole population of Lower Canada by twenty-four, the number of members assigned to it, there was an average of 37,000 to each member. Now, even by the last census, the constituencies alluded to in his amendment, had a population of about 60,000--not taking into account the rapid proportionate increase of population in that section of the country, since the census was taken last year. [It was said] the division under this bill did no injustice to the eastern townships. The figures just given showed that this was not the case. And as regarded territory,<sup>120</sup> while the district of Bedford containing only sixteen townships, including two villages, with a gross population of 80,000, was to be represented by three members in the Council<sup>121</sup> [OR] had the advantage of having at present two members of the Upper House, nominated by the Executive<sup>122</sup>; the district of Wellington, containing 48 townships, including the town of Sherbrooke, with a gross population of over 50,000, was to be represented by only one member. If this was justice the Government might adopt the measure.<sup>123</sup>

MR. FOLEY<sup>124</sup> [OR] MR. DALY would wish the hon. member for Wolfe to have the goodness to state what he is going to do with the extra member: for if there was one additional member given to the group of counties he had spoken of, then Lower Canada would have one member more than Upper Canada--which, according to the principle of the Bill, was absurd. He (Mr. D.) would mention that that hon. gentleman had not been correct even in his statements with regard to the population of those counties.<sup>125</sup> There were several districts in Upper Canada which had more than 50,000 of a population--for instance, the district comprising the city of Toronto and York township. To pass the amendment, therefore, in its present shape, would be an act of injustice to Upper Canada. If there was to be any re-arrangement, let the whole be re-arranged, giving Upper Canada representatives according to population as well as Lower Canada. Until the hon. member was willing to give the counties of Upper Canada the same justice as he asked for that particular group of counties, he ... would oppose his amendment, as an Upper Canadian.<sup>126</sup>

MR. LORANGER said that the hon. gentleman had just indicated one of the strongest reasons against the principle of representation by population, and he (Mr. L.) was very glad to hear the hon. member for Lambton (sic) endorse his argument. The argument of that hon. gentleman (Mr. Daly) was that if you give this group of counties in Lower Canada representation by population, you must concede a similar right to every county in Upper and Lower Canada. If you deny it to Lower Canada and ask it for Upper Canada, you affirm the principle that Lower Canada ought not to be represented according to population.<sup>127</sup>

MR. FELTON said that the hon. member had misunderstood him altogether. He (Mr. Felton) never proposed to increase the members for Lower Canada. All that he said was that they were not equally divided; and he said so still. The speaker then adduced several instances to substantiate what he advanced.<sup>128</sup>

The amendment was then put<sup>129</sup>.

(192)

*Mr. Felton moved in amendment to the Question, seconded by Mr. Terrill, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of amending the Schedule A, by assigning an additional Legislative Councillor to the Constituencies of Drummond, Arthabaska, Richmond and Wolfe, Compton, Stanstead, and Sherbrooke Town, now represented by five Members in this House" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided:--And it passed in the Negative.*

*And the Question being again proposed, That the Bill be now read the third time;*

MR. SOMERVILLE agreed with previous speakers that the British population of Lower Canada would not be fairly represented by the divisions under this bill, because, instead of having 8 members in the Upper House, they could at the most have only 4. The division of the district in which his own constituency was situated, was particularly unsuitable, and he begged to propose another arrangement which would make another English constituency, where the majority would be British, and the division also would be better in other respects. He moved, in amendment, "That the said bill be not now read a third time, but that it be recommitted for the purpose of amending schedule A by providing that the division De Salabery shall comprise the counties of Huntingdon and Beauharnois, and the parishes of Russelltown, St. Malachi, and Ormstown (*sic*), in the county of Chateauguay, and that the district of Lorimiere (*sic*) shall comprise the counties of St. John's, Napierville, and the remainder of the county of Chateauguay."<sup>130</sup>

The amendment was briefly opposed by MR. BUREAU<sup>131</sup>.

(192)

*Mr. Somerville moved in amendment to the Question, seconded by Mr. Sanborn, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of amending Schedule A, by providing that the Electoral Division DeSalaberry, shall comprise the Counties of Huntingdon and Beauharnois, and the Parishes of Russelltown, and St. Malachi d'Ormstown, in the County of Chateauguay; and that DeLorimier shall be composed of the Counties of St. Johns and Napierville, and the remainder of the County of Chateauguay" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided:--And it passed in the Negative.*

*And the Question being again proposed, That the Bill be now read the third time;*

MR. J. DORION (Drummond) rose to propose an amendment, which he said, unlike those that had gone before, had no reference to distinctions of nationality or race. His object was simply to divide the townships from the Seignories. An immense swamp divided the southern shore of the St. Lawrence from the townships, and the arrangement made under the Bill united in one district people who could not communicate with each other without going through these swamps. The hon. member moved another arrangement, which would remedy this.<sup>132</sup>

MR. COM. CR. LANDS CAUCHON said the elections would take place in winter, when the swamps would be passable.<sup>133</sup>



The House then divided on the amendment<sup>134</sup>.

(192)

Mr. Jean Baptiste Eric Dorion moved in amendment to the Question, seconded by Mr. Papin, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with an instruction to amend the Schedule A, as follows:--Kenebec shall comprise the Counties of Megantic, Arthabaska, Drummond, and Wolfe; Wellington shall comprise the Counties of Richmond, Compton, Stanstead, and the Town of Sherbrooke; De la Vallière shall comprise the Counties of Lotbinière, Nicolet, and Yamaska, excepting the Parishes of St. Michel d'Yamaska, and St. David, which shall be included in the Electoral Division of Sauvel" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(193)

YEAS.

Messieurs Aikins, Brown, Bureau, Christie, Charles Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Felton, Ferres, Frazer, Freeman, Gould, Hartman, Holton, Laberge, Larwill, Murney, Papin, Patrick, Prévost, Sanborn, Somerville, Terrill, and Valois.--(25.)

NAYS.

Messieurs Alleyn, Bell, Biggar, Bowes, Brodeur, Cartier, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crysler, Daly, Jean B. Daoust, Delong, Desaulniers, DeWitt, Attorney General Drummond, Dufresne, Foley, Octave C. Fortier, Fournier, Gill, Guévremont, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lumsden, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, McCann, Marchildon, Matheson, Meagher, Mongenais, Angus Morrison, Niles, Poulin, Pouliot, Powell, Rhodes, Robinson, Solicitor General Ross, Scatcherd, Shaw, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, Thibaudeau, Whitney, and Wright.--(62.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

MR. HARTMAN said he had hitherto supported the Bill through all its stages to the best of his humble ability, and, although there were many objectionable features in the Bill, he had been disposed to forego his objections to these, rather than lose the Bill. He had wavered somewhat between two opinions whether to take the Bill with all its defects, or to reject it in the hope of getting one with fewer defects. But, after hearing the speech of the Attorney General East this afternoon, he could no longer waver. That hon. gentleman broadly stated that, if Representation by Population was forced on Lower Canada, she must seek some new state of political existence. That, being the doctrine of the hon. gentleman, might be assumed to be the doctrine of the large body of Lower Canadians with whom he acted, and of the Government, at the head of which or nearly so, he now stood. If then the Government was determined as a Government that Representation by Population should be resisted, and that, if forced by the house, they would advocate as the next step either a dissolution of the present union, or an extension of it, so as to embrace the whole Provinces of British America--if this was their position, he must say that rather than submit to the connection between Upper and Lower Canada continuing without Representation by Population, he would submit to the constitution of the upper house being kept as it now

was. (Hear, hear.) He believed the evils they now laboured under were fewer and lighter than would be inflicted on the country under the system foreshadowed by the speech of the Attorney General. He therefore moved in amendment,--

"That the bill be not now read a third time, but that it be recommitted with a view to arrange the electoral divisions so as to embrace within each as nearly as practicable, an equal population and without regard to the dividing line between Upper and Lower Canada." He did not expect that this amendment would be carried to-night. The government of course would resist it, and they had power to throw it out. But after the manly and honest declaration of the Attorney General East, he hoped they should have an equally manful and honest declaration from every other member of the government, and from the government as a whole, whether they were prepared to take as their stand-point, that if Upper Canada was determined to demand Representation by Population, we must look for some new political state of existence. It was unnecessary after all the discussion that had taken place, to multiply words, but he wished to put his views on record. He could not say as some other hon. gentlemen had said, that if his motion were negatived, he should still vote for the bill. After the declaration of the Attorney General, he would not feel justified in voting for the bill, unless this amendment was carried. (Hear, hear.)<sup>135</sup>

MR. AT. GEN. J.A. MACDONALD.--I hope we understand the hon. gentleman, that if this amendment does not carry he will vote against the bill--(hear, hear)<sup>136</sup>. We all know that the hon. gentleman was never heartily in favour of the measure. (Order.) But, perhaps the hon. gentleman may change again, as his hon. friend from Montreal, (Mr. Dorion,) did a little while ago on the question of the Independence of the Judges. (Order! Order!)<sup>137</sup>

MR. MURNEY.--I think the hon. gentleman has as good a right to change his mind, as have the hon. gentlemen who occupy the Treasury Benches, and particularly as good a right as the gentleman who has chosen to get up and use words of gibing insolence to the hon. member who moved the amendment.<sup>138</sup>

MR. SICOTTE the SPEAKER.--Order.<sup>139</sup>

MR. MURNEY said he would withdraw the expression. (Hear, hear.)<sup>140</sup> I do not rise to express my opposition to this measure, but I must say that I look with alarm on the declaration of the Attorney General East, made in his speech this day. (Hear, hear.) I feel that we are at a most alarming crisis. Not only is the constitution of our country about to be changed, but the Attorney General has told us that Lower Canada is at this moment looking out for a new state of political existence. (No! no!) Most decidedly those were the words which fell from him. So I understood him, and so I understand him still, and I take that as the declaration of the government. (Hear, hear.)<sup>141</sup>

MR. AT. GEN. DRUMMOND rose and said, I do not suppose the hon. gentleman wished to misrep[r]esent me, but it was no wonder that he did so, as he was asleep the greater part of the time during which I was speaking.<sup>142</sup> I did not say that Lower Canada was looking out for another state of political existence, but I said this, and I repeat it again emphatically, and if the people of Lower Canada do not entertain the same opinion, let their representatives in this house get up and disclaim it--I say that, if Representation by Population is forced upon us, and the federal principle which binds us together is to be destroyed, then the people of Lower Canada will feel themselves compelled to seek for another state of political

existence. And I ask hon. gentlemen from Lower Canada whether it is not so.<sup>143</sup> (Hear, hear, and cheers.)<sup>144</sup>

MR. MURNEY.--I appeal to this house whether I have mistaken the hon. gentleman. He says that, if Representation by Population is introduced, the people of Lower Canada must seek for a new state of political existence.<sup>145</sup> Forsooth, the Lower Canadians would unite with the British Provinces below for--what! What to do? The Attorney General did not say. But if Lower Canada chose to go, could they force Upper Canada to go to[o]? Of course they could not.<sup>146</sup> Then, I say, Mr. Speaker, that Representation by Population is perfectly irresistible. (Hear, hear.) He says they are going to have a new state of political existence.<sup>147</sup> What was that new state? Were they to force a new state of political existence upon Upper Canada? No,--and the hon. gentleman knew that.<sup>148</sup> (Hear, hear.) I am astonished, Mr. Speaker, that the Government, through the Attorney-General, who, I am told, is about to assume the leadership of this most extraordinary Government--(laughter)--should dare to make such an unpatriotic declaration. Upper and Lower Canadians have hitherto made allowances for each other. We are one people, and must be one people, and must conciliate each other; but we will not be brow-beaten. I look upon those remarks of the Attorney-General as one of the most unfortunate declarations that could have been made by a member of the Government. (Hear, hear.) With respect to the measure before the house, it is precisely what he described it,<sup>149</sup> a great organic change of a very unfortunate kind<sup>150</sup>, the beginning of something, of which he himself cannot see the end. It is a most serious matter, and yet it is brought before us by gentlemen who do not believe it will result favourably--(hear, hear,)--who never voted for it till latterly, but have always voted against it, and by introducing it now have belied every previous action of their lives.<sup>151</sup> (Hear, hear; order.)<sup>152</sup> Perhaps I should not have used that expression, but it is true, and I must say that I do not estimate the characters of those gentlemen at the value of anything that I could name. (Hear, hear.)<sup>153</sup>

MR. MACKENZIE said that a[n] hon. gentlemen (sic) opposite had threatened to go for some new state of political existance (sic).<sup>154</sup> Did not the great leader of the Canadian party, sitting upon the floor, vote for representation by population? (Cries of "who.") Why, Mr. Papineau. (Hear, hear.) Look at the men then who formerly stood up for Lower Canada, as being the great patriots. In 1832, they found Mr. Papineau, Mr. Morin and another gentleman, bringing in their great resolutions to make representation according to population.<sup>155</sup> An hon. gentleman whose name he (Mr. McK.) had forgotten<sup>156</sup>--

[A member] said, for Wolfe.<sup>157</sup>

MR. MACKENZIE.--Ah, that is the name and it was a right one. He said if any part of the country is not represented I will look for that other state.<sup>158</sup> He would refer to the inconsistency of the hon. member for Wolfe, who considered himself the embodiment of the intelligence of his constituency. Why this question was the great one of the world. It was agreed to by Louis Napoleon, Lord Palmerston, and all the great men of England, and Lord Durham's report, some years since, with the ninety-two resolutions, recommended the system just stated; and yet in the face of all this, the Attorney General East could rise in his seat and make the announcement that he had.<sup>159</sup> The hon. Attorney General East was in favor of it when he was a rising barrister. Lord Durham ... says in his report that "You may by your bill give a preference to Lower Canada, but the true base of representation is by population." At the time he (Mr. McK.) was in England, Lord Durham had turned some hon.



gentlemen who were the very embodiment of loyal love adrift, and then they too cast about them for some new state of political existence. It was desirable that hon. members should put the question what sort of measure are we going to pass? We have an Assembly here which is to sit for four years while over the way in the other end of the building we have another body of men who will sit there ... for eight years<sup>160</sup>. The former might be turned out at any less time by His Excellency, and the Upper House were to be allowed to remain, as firm in their position as the rock of Gibraltar, if an earthquake did not dislodge them.<sup>161</sup> It is somewhat singular, too, that the same election that was to elect the members of this House for four years, is to elect the others for eight years.<sup>162</sup> The checks of a constitution by one House on another, so far as he had heard of it, proceeded from Houses elected by different electors. Here they were elected by the same<sup>163</sup>. Another anomaly (*sic*) was that while the members for the ... one House were not requested to have a property qualification, the members of the other were required to have a property qualification of 1,000L.<sup>164</sup> They were to be made as ... [if] life members of, just the same as when a man subscribes 20L to a society, but at the same time they had no pecuniary qualification whatever. It was the drollest idea he had ever heard of. The Attorney General West evidently laughed inwardly to think of the hoax he was advocating, for it was nothing more.<sup>165</sup> Then it would be found that one million of population below was to return 24 members, and the remaining population of Upper Canada were to return the other 24. In the former case, those who only raised one-fourth of the taxes were to have 24, and in Upper Canada which raises three-fourths of the taxes, [they] are only to have the same number.<sup>166</sup> (Hear, hear.)<sup>167</sup> Such proceedings were unjust and ridiculous. In fact, so ridiculous, that it did appear scarcely worth while deliberating upon it--why not pass it at once without any deliberation? An hon. gentleman had just reminded him that there was to be a ball to-night, and he (Mr. D.) supposed it was desired that all other business should stand over. It was better hon. gentlemen should commence the ball here. Then there was another absurdity in the election of Speaker.<sup>168</sup> In one house the assembly of members is sagacious enough to choose its own Speaker, while in the other house they were such green horns that they would be obliged to get the members of the Legislative Assembly to choose their Speaker for them.<sup>169</sup> Altogether the scheme was a monstrous one, and he would propose that a line should be drawn across the House to divide this side from the hon. gentlemen opposite--another line should divide the French and the English, and then a third House could also be sitting, so that a bill could be commenced in one branch and passed over to the other. Absurd as it may appear, the plan proposed was, in fact, to have two Legislative Assemblies.<sup>170</sup> Surely the Commissioner for Crown Lands must have made this bill up himself, nobody could possibly have assisted him. Where was the honesty of Lower Canadian members towards Upper Canada? Where was their attachment to the ninety-two resolutions that were lauded to the skies some years ago? These eighty-four members to be chosen were to be paid six dollars a day, Saturday and Sunday included, to make long winded speeches, which he (Mr. M.) by the way would not imitate, and yet if the Legislative Assembly proposed any measure for establishing a decimal currency, those very hon. gentlemen would do their best to throw it out. (Hear, hear.)<sup>171</sup>

MR. A. DORION (of Montreal) said the Atty. General West had forgotten all that had occurred for the past fortnight in the House, probably because he had been much troubled by the recent crisis. He had accused him with very bad grace of changing his vote about the independence of Judges.<sup>172</sup> (Hear, hear.)<sup>173</sup> The hon. gentleman and his colleagues had made a slight mistake on the remarks which they had thrown out as to his (Mr. D.) changing his vote. In return for the compliment he would

remind them of a late occasion, the Ministerial crisis, when the honorable gentlemen voted against their own motion.<sup>174</sup>

MR. SICOTTE the SPEAKER called the hon. gentleman to order, and stated that the Attorney General (West) was also out of order in having alluded to the matter.<sup>175</sup>

MR. A. DORION continued. He merely wished to correct the fact asserted by that hon. gentleman, and to put himself right. He had not changed his vote, and it was in very bad grace for the hon. gentleman to make such a statement, when it was very well known that that hon. gentleman voted against his own motion. As to the motion now before the house, he did not think that this was a proper time to discuss it. He would now vote against this resolution, as he had against all the others which had come up in the same way. He would be prepared to give his reasons, and to explain the vote he should give upon the question when it fairly came before the house, but he did not think it was just to bring it forward in such a collateral way.<sup>176</sup>

MR. SICOTTE the SPEAKER then put the motion<sup>177</sup>.

(193)

*Mr. Hartman moved in amendment to the Question, seconded by Mr. Christie, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with a view to arrange the Electoral Divisions so as to embrace within each, as nearly as practicable, an equal population, and without regard to a dividing line between Upper and Lower Canada" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Aikins, Bell, Biggar, Brown, Cameron, Christie, Cook, Delong, Ferrie, Foley, Frazer, Freeman, Gould, Hartman, Larwill, Lumsden, Mackenzie, Matheson, Murney, Patrick, Scatcherd, and Wright.--(22.)*

(193-194)

NAYS.

*Messieurs Alleyn, Bowes, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Crawford, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Octave C. Fortier, Fournier, Gill, Guévremont, Holton, Jackson, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Meagher, Mongenais, Angus Morrison, Niles, Papin, Poulin, Pouliot, Powell, Prévost, Rhodes, Robinson, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Valois, and Whitney.--(71.)*

*So it passed in the Negative.*

MR. FREEMAN said he had another amendment to move. The principle of Representation by Population had been discussed very freely in connection with this Bill, but hon. gentlemen had voted against its present application, because they had no positive evidence that there was any great difference in population between the two

sections of the Province. Now, in order to meet that difficulty, and to test whether those hon. gentlemen were really honest in their professions in reference to the justice of the principle, he intended to move another amendment which he hoped would meet with their approbation, and which, while it would not defeat the present bill, would secure equal justice to both sections, whenever it should be ascertained that the population of one of the sections, whichever it was, exceeded that of the other by a certain amount. In his amendment he had put that figure at 200,000, and basing the calculation on the last census, that number would return about 14 members to this house, and of course a like proportion to the Upper House. He put it to hon. members whether it was just, in the event of one section of the Province having 200,000 more population than the other, that those 200,000 should be deprived of their 14 representatives in this house. (Hear, hear.) He therefore moved in amendment--

"That the Bill be not now read a third time, but that it be recommitted for the purpose of providing that, if it shall hereafter appear by a census, to be taken of the whole Province, that the population of either section thereof exceeds that of the other by 200,000, that then new electoral divisions shall be formed so as to give to all parts of the Province representation according to population, without regard to a dividing line between the eastern and western parts of the Province."<sup>178</sup>

[The motion was] seconded by MR. FOLEY.<sup>179</sup>

MR. SICOTTE the SPEAKER submitted to the house whether this was not substantially the same motion as had just been decided upon, viz., the amendment moved by Mr. Hartman<sup>180</sup>; and it was not customary for the House to vote on two similar motions during one sitting.<sup>181</sup>

MR. BROWN suggested that this was a case analogous to that of moving a smaller sum, after a larger one had been lost. And on this very question there was a case precisely analogous in last Parliament. He (Mr. Brown) moved an amendment, simply affirming the principle of Representation by Population, and that being lost, Sir Allan MacNab moved that, when the population of either Province should exceed that of the other by a certain number, then the principle of Representation by Population should be adopted. And that was allowed to be put by the Speaker.<sup>182</sup>

MR. MACKENZIE mentioned that last session the case was exactly the same, he having himself followed Mr. Brown's motion for Representation by Population, with another proposing that a census should be taken and that that principle should be adopted.<sup>183</sup>

MR. SOL. GEN. D. ROSS submitted that the amendment was further out of order, by making a certain thing to depend on a contingency which never might happen.<sup>184</sup>

MR. SICOTTE the SPEAKER called the hon. gentleman to order. He had only asked the opinion of the House on the point he had himself submitted.<sup>185</sup>

After some remarks by MESSRS. POWELL and GOULD,<sup>186</sup>

MR. SICOTTE the SPEAKER said his opinion distinctly was that the two motions were identical. The house had affirmed the broad principle that Representation by Population should not be introduced into the bill, even though the population of one section might exceed that of the other, and therefore the amendment now submitted had already been negated.<sup>187</sup>



The amendment was accordingly ruled out of order, and was not put from the chair.<sup>188</sup>

[The] main motion was then put<sup>189</sup>.

(194)

*Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Alleyn, Bell, Biggar, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cooke, Cook, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Evanturel, Felton, Ferres, Ferrie, Foley, Octave C. Fortier, Fournier, Frazer, Gill, Gould, Guévremont, Holton, Jackson, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Lumsden, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, McCann, Marchildon, Matheson, Meagher, Mongenais, Angus Morrison, Niles, Papin, Patrick, Poulin, Pouliot, Powell, Prévost, Rhodes, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, Thibaudeau, Valois, Whitney, and Wright.--(81.)*

NAYS.

*Messieurs Aikins, Bowes, Brown, Cameron, Christie, Crawford, Freeman, Hartman, Larwill, Mackenzie, Murney, and Robinson.--(12.)*

*So it was resolved in the Affirmative.*

*The Bill was accordingly read the third time.*

MR. COM. CR. LANDS CAUCHON moved that the bill do now pass and that it be enti[t]led an Act to alter the Constitution of the Legislative Council.<sup>190</sup>

(194)

*Resolved, That the Bill do pass.*

*Ordered, That the Honorable Mr. Cauchon do carry the Bill to the Legislative Council, and desire their concurrence.*

Several honorable gentlemen on the Opposition benches here called for an adjournment, which was opposed by the House. The calls being still repeated,<sup>191</sup>

MR. AT. GEN. DRUMMOND rose and said, that as it seemed to be the wish of the members he would move that the House do now adjourn.<sup>192</sup>

MR. HOLTON (Montreal) opposed the motion, and said that such a motion came with a very bad grace from the Attorney General East, after the house had been occupied during the greater portion of the evening in the discussion of a government measure.<sup>193</sup>

MR. SOL. GEN. H. SMITH, in reply, stated that there was no grounds for this attack on his hon. and learned friend the Attorney General, East; who, in putting his motion had distinctly stated that he had only done so because the adjournment was demanded by the House.<sup>194</sup>

The motion for adjournment was then put<sup>195</sup>.

(194)

*The Honorable Mr. Attorney General Drummond moved, seconded by Mr. Solicitor General Smith, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--*

(194-195)

YEAS.

*Messieurs Alleyn, Bowes, Brodeur, Casault, Cauchon, Cayley, Chabot, Chapais, Church, Clarke, Cooke, Crawford, Crysler, Daly, Jean B. Daoust, Dionne, Dostaler, Attorney General Drummond, Dufresne, Evanturel, Felton, Octave C. Fortier, Fournier, Frazer, Gill, Gould, Guévremont, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, John S. Macdonald, Attorney General Macdonald, McCann, Roderick McDonald, Marchildon, Meagher, Angus Morrison, Pouliot, Powell, Solicitor General Ross, Solicitor General Smith, Spence, Stevenson, Taché, and Thibaudeau.--(47.)*

(195)

NAYS.

*Messieurs Aikins, Bell, Bellingham, Biggar, Brown, Bureau, Cameron, Chisholm, Christie, Conger, Cook, Charles Daoust, Darche, Delong, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferres, Ferrie, Foley, Freeman, Holton, Jackson, Laberge, Mackenzie, Mongenais, Niles, Papin, Patrick, Poulin, Prévost, Sanborn, Scatcherd, Shaw, Southwick, Valois, and Wright.--(38.)*

*So it was resolved in the Affirmative.*

*And the House adjourned accordingly. 196*

APPENDIX: 27 MARCH 1856.

[NOTICE OF MOTION RE: EDUCATION IN LOWER CANADA.]

MR. PROV. SEC. CARTIER gave notice that on Tuesday next he would move the house into Committee of the Whole, to take into consideration the subject of superior education, and the establishment of Normal Schools in Lower Canada.<sup>197</sup>

[QUESTION AND ANSWER RE: ROADS IN THE COUNTY OF YORK.]

MR. HARTMAN ... [seeing] the hon. Provincial Secretary in his place,<sup>198</sup> enquired of the Ministry when the copies of contracts for certain roads in the county of York, ordered by the house a month ago, would be brought down.<sup>199</sup>

MR. PROV. SEC. CARTIER said that he had privately informed the hon. member that the document which was specified in the motion, could not be found in the office of the Commissioner of Public Works, but that possibly it might be found in the Inspector General's department. The Government were now trying to find the document, and if any one was to be blamed for the delay it was the hon. member himself, for indicating the wrong department.<sup>200</sup>

MR. HARTMAN denied that he was responsible for the delay of the Government in sending down the paper.<sup>201</sup> He moved for the return, and as it was connected with the Public Works, he very naturally thought it would be in that office.<sup>202</sup> Having been informed by the Provincial Secretary that it would be found in the Inspector General's department, he had gone there a week ago, and found that nothing had been done, although the document was somewhere in the office. He wished to know when the house would be put in possession of it.<sup>203</sup> He wanted the information, and if it was necessary he would move a new address, if he had applied to the wrong department.<sup>204</sup>

MR. J.S. MACDONALD (Glengary) said it was very important that the document should be forthcoming, and he could not subscribe to the doctrine that his hon. friend behind him (Mr. Hartman) was bound to search the public departments for it. It was the duty of the Government to find it.<sup>205</sup>

MR. PROV. SEC. CARTIER said the Government had every desire to comply with the request of the hon. member for North York, and would furnish the information without any further address.<sup>206</sup>

[WITHDRAWN MOTION FOR AN ADDRESS RE: MR. J.J. RONEY, SCHOOL INSPECTOR.]

MR. COOKE moved for an Address to His Excellency, praying that he will be pleased to cause to be laid before this House, copies of all the Petitions and other documents received by the Government or Superintendent of Education, complaining of J.J. Roney, as School Inspector--or praying for his removal, since his appointment; also, copies of all communications between the said Inspector of Schools and the Superintendent of Education for Lower Canada, since the 17th day of March, 1855.<sup>207</sup>

MR. AT. GEN. DRUMMOND said that copies of these documents (sic) had been forwarded to the Superintendent of Education, to report on. He trusted, therefore, that his hon. friend would withdraw his motion, till the report was laid before the House.<sup>208</sup>



MR. COOKE inquired what time the report would be laid before the House.<sup>209</sup>

MR. AT. GEN. DRUMMOND thought that it would be laid before the House shortly.<sup>210</sup>

The motion was then withdrawn.<sup>211</sup>

[POSTPONED MOTION RE: INTOXICATING LIQUORS.]

The notice being called of Mr. Hartman's motion for a Committee of the Whole to consider the laws regulating the manufacture of and the traffic in Intoxicating Liquors, with a view to devise more efficient means for the suppression of Intemperance.<sup>212</sup>

MR. HARTMAN said that as many Upper Canada members had not arrived, since the house met after the recess, he would postpone his motion, as he wished to have it discussed in a full house. He would therefore set it down for Wednesday next.<sup>213</sup>

The motion was then postponed till Wednesday next.<sup>214</sup>

[COMMENT RE: NOTICES OF MOTION.]

MR. AT. GEN. DRUMMOND complained of the number of motions which were left on the notice paper, day after day. It was, he said, highly desirable that the notice paper should be reduced to as small dimensions as possible. At present notices had been recorded on that paper long after they ought to have been struck out. The country ought not be saddled with this unnecessary expense of printing these every day.<sup>215</sup>

FOOTNOTES: 27 MARCH 1856.

1. According to GLOBE, 28 March 1856, this Bill was ordered to be read a second time "on Tuesday next".
2. GLOBE, 28 March 1856.
3. IBID.
4. Telegraph (MONTREAL TRANSCRIPT, 29 March 1856).
5. TORONTO DAILY LEADER, 28 March 1856.
6. GLOBE, 28 March 1856.
7. IBID.
8. TORONTO DAILY LEADER, 28 March 1856.
9. GLOBE, 28 March 1856.
10. TORONTO DAILY LEADER, 28 March 1856.
11. GLOBE, 28 March 1856.
12. TORONTO DAILY LEADER, 28 March 1856.
13. GLOBE, 28 March 1856.
14. TORONTO DAILY LEADER, 28 March 1856.
15. GLOBE, 28 March 1856.
16. TORONTO DAILY LEADER, 28 March 1856.
17. GLOBE, 28 March 1856.
18. TORONTO DAILY LEADER, 28 March 1856.
19. GLOBE, 28 March 1856.
20. TORONTO DAILY LEADER, 28 March 1856.
21. GLOBE, 28 March 1856.
22. TORONTO DAILY LEADER, 28 March 1856.
23. GLOBE, 28 March 1856. This newspaper also reports two commentaries on "Mr. Drummond's astounding declaration on the subject of Representation by Population". It reports that "the deliberate announcement of this sentiment took the whole House by surprise, and excited the deepest feelings of indignation among independent members from Upper Canada." Mr. Drummond later reiterates his belief in response to a criticism by Mr. Murney (see footnotes 142 to 144).
24. TORONTO DAILY LEADER, 28 March 1856.
25. GLOBE, 28 March 1856.
26. TORONTO DAILY LEADER, 28 March 1856.
27. HAMILTON SPECTATOR SEMI-WEEKLY, 29 March 1856.
28. GLOBE, 28 March 1856.
29. TORONTO DAILY LEADER, 28 March 1856.
30. GLOBE, 28 March 1856.
31. TORONTO DAILY LEADER, 28 March 1856.
32. GLOBE, 28 March 1856.
33. IBID.
34. TORONTO DAILY LEADER, 28 March 1856.
35. GLOBE, 28 March 1856.
36. TORONTO DAILY LEADER, 28 March 1856.
37. GLOBE, 28 March 1856.
38. TORONTO DAILY LEADER, 28 March 1856.
39. GLOBE, 28 March 1856.
40. MONTREAL GAZETTE, 29 March 1856.
41. IBID.
42. GLOBE, 28 March 1856.
43. MONTREAL GAZETTE, 29 March 1856.
44. GLOBE, 28 March 1856.

45. GLOBE, 28 March 1856.
46. MONTREAL GAZETTE, 29 March 1856.
47. GLOBE, 28 March 1856.
48. MONTREAL GAZETTE, 29 March 1856.
49. TORONTO DAILY LEADER, 28 March 1856.
50. GLOBE, 28 March 1856.
51. TORONTO DAILY LEADER, 28 March 1856.
52. GLOBE, 28 March 1856.
53. IBID.
54. IBID.
55. TORONTO DAILY LEADER, 28 March 1856.
56. GLOBE, 28 March 1856.
57. TORONTO DAILY LEADER, 28 March 1856.
58. GLOBE, 28 March 1856.
59. TORONTO DAILY LEADER, 28 March 1856.
60. GLOBE, 28 March 1856.
61. TORONTO DAILY LEADER, 28 March 1856.
62. GLOBE, 28 March 1856.
63. IBID.
64. MONTREAL GAZETTE, 29 March 1856.
65. TORONTO DAILY LEADER, 28 March 1856.
66. GLOBE, 28 March 1856.
67. TORONTO DAILY LEADER, 28 March 1856.
68. GLOBE, 28 March 1856.
69. TORONTO DAILY LEADER, 28 March 1856.
70. MONTREAL GAZETTE, 29 March 1856.
71. TORONTO DAILY LEADER, 28 March 1856.
72. MONTREAL GAZETTE, 29 March 1856.
73. TORONTO DAILY LEADER, 28 March 1856.
74. MONTREAL GAZETTE, 29 March 1856.
75. TORONTO DAILY LEADER, 28 March 1856.
76. IBID.
77. MONTREAL GAZETTE, 29 March 1856.
78. TORONTO DAILY LEADER, 28 March 1856.
79. GLOBE, 28 March 1856.
80. IBID.
81. MORNING CHRONICLE, 1 April 1856.
82. TORONTO DAILY LEADER, 28 March 1856.
83. GLOBE, 28 March 1856.
84. TORONTO DAILY LEADER, 28 March 1856.
85. GLOBE, 28 March 1856.
86. TORONTO DAILY LEADER, 28 March 1856.
87. GLOBE, 28 March 1856.
88. TORONTO DAILY LEADER, 28 March 1856.
89. GLOBE, 28 March 1856.
90. MONTREAL GAZETTE, 29 March 1856.
91. GLOBE, 28 March 1856.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. MONTREAL GAZETTE, 29 March 1856.
97. GLOBE, 28 March 1856.



98. MONTREAL GAZETTE, 29 March 1856.
99. GLOBE, 28 March 1856.
100. MONTREAL GAZETTE, 29 March 1856.
101. GLOBE, 28 March 1856.
102. TORONTO DAILY LEADER, 28 March 1856.
103. GLOBE, 28 March 1856.
104. LA MINERVE, 12 April 1856.
105. GLOBE, 28 March 1856.
106. LA MINERVE, 12 April 1856.
107. IBID.
108. TORONTO DAILY LEADER, 28 March 1856.
109. MONTREAL GAZETTE, 29 March 1856.
110. HAMILTON SPECTATOR SEMI-WEEKLY, 29 March 1856.
111. IBID.
112. TORONTO DAILY LEADER, 28 March 1856.
113. GLOBE, 28 March 1856.
114. TORONTO DAILY LEADER, 28 March 1856.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. GLOBE, 28 March 1856. TORONTO DAILY LEADER, 28 March 1856, notes that "the hon. gentleman spoke at some length in support of his amendment".
121. TORONTO DAILY LEADER, 28 March 1856. This newspaper imputes this statement to Mr. Terrill; however, it appears from the account reported in GLOBE, 28 March 1856, that Mr. Felton was in fact still speaking.
122. GLOBE, 28 March 1856.
123. TORONTO DAILY LEADER, 28 March 1856.
124. GLOBE, 28 March 1856.
125. TORONTO DAILY LEADER, 28 March 1856. This newspaper seems to contradict itself in its synopsis of the debate, where it reports that "Mr. Foley opposed the amendment". However, in its account of the speech that follows, it reports that Mr. Loranger referred to the statement made by Mr. Daly.
126. GLOBE, 28 March 1856.
127. TORONTO DAILY LEADER, 28 March 1856. GLOBE, 28 March 1856, differs slightly from this newspaper in its account of Mr. Loranger's speech. It reports the following statement: "Mr. Loranger said the hon. member who had just spoken had used the strongest argument in the world against Representation by Population. For why would he wish that principle applied to the two provinces, when he denied the correctness of the idea of having Lower Canada represented by population?" Even though it seems from these reports that Mr. Loranger was directly referring to the member who had previously spoken, that is, Mr. Foley according to the Globe, and Mr. Daly according to the Toronto Daily Leader, the member who responds to the imputations cast by Mr. Loranger is reported to be Mr. Felton in both newspapers.
128. TORONTO DAILY LEADER, 28 March 1856.
129. GLOBE, 28 March 1856.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. TORONTO DAILY LEADER, 28 March 1856.

135. GLOBE, 28 March 1856.
136. TORONTO DAILY LEADER, 28 March 1856.
137. GLOBE, 28 March 1856.
138. IBID.
139. TORONTO DAILY LEADER, 28 March 1856.
140. IBID.
141. GLOBE, 28 March 1856.
142. TORONTO DAILY LEADER, 28 March 1856.
143. GLOBE, 28 March 1856.
144. TORONTO DAILY LEADER, 28 March 1856.
145. GLOBE, 28 March 1856.
146. MONTREAL GAZETTE, 29 March 1856.
147. GLOBE, 28 March 1856.
148. TORONTO DAILY LEADER, 28 March 1856.
149. GLOBE, 28 March 1856.
150. TORONTO DAILY LEADER, 28 March 1856.
151. GLOBE, 28 March 1856.
152. TORONTO DAILY LEADER, 28 March 1856.
153. GLOBE, 28 March 1856.
154. TORONTO DAILY LEADER, 28 March 1856.
155. GLOBE, 28 March 1856.
156. TORONTO DAILY LEADER, 28 March 1856.
157. IBID.
158. IBID.
159. GLOBE, 28 March 1856.
160. TORONTO DAILY LEADER, 28 March 1856.
161. GLOBE, 28 March 1856.
162. TORONTO DAILY LEADER, 28 March 1856.
163. MONTREAL GAZETTE, 29 March 1856.
164. TORONTO DAILY LEADER, 28 March 1856. MONTREAL GAZETTE, 29 March 1856, differs from this newspaper as well as from GLOBE, 28 March 1856 (see footnote 165), and reports that Mr. Mackenzie asserted that "the members of the House sitting at the end of the House have a qualification of only 500L--at the other end they must have 1000L."
165. GLOBE, 28 March 1856.
166. TORONTO DAILY LEADER, 28 March 1856.
167. GLOBE, 28 March 1856.
168. TORONTO DAILY LEADER, 28 March 1856.
169. GLOBE, 28 March 1856.
170. TORONTO DAILY LEADER, 28 March 1856.
171. GLOBE, 28 March 1856.
172. MONTREAL GAZETTE, 29 March 1856.
173. GLOBE, 28 March 1856.
174. TORONTO DAILY LEADER, 28 March 1856.
175. GLOBE, 28 March 1856.
176. IBID.
177. TORONTO DAILY LEADER, 28 March 1856.
178. GLOBE, 28 March 1856.
179. IBID.
180. IBID.
181. TORONTO DAILY LEADER, 28 March 1856.
182. GLOBE, 28 March 1856.
183. IBID.

184. GLOBE, 28 March 1856.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. TORONTO DAILY LEADER, 28 March 1856.
190. IBID.
191. IBID.
192. IBID.
193. IBID.
194. IBID.
195. IBID.
196. GLOBE, 28 March 1856, reports that the House adjourned "at a quarter from ten".
197. GLOBE, 28 March 1856.
198. TORONTO DAILY LEADER, 28 March 1856. According to this report, the discussion on Mr. Hartman's enquiry occurred before the orders of the day were proceeded with.
199. GLOBE, 28 March 1856.
200. IBID.
201. IBID.
202. TORONTO DAILY LEADER, 28 March 1856.
203. GLOBE, 28 March 1856.
204. TORONTO DAILY LEADER, 28 March 1856.
205. GLOBE, 28 March 1856.
206. TORONTO DAILY LEADER, 28 March 1856.
207. IBID.
208. IBID.
209. IBID.
210. IBID.
211. IBID.
212. GLOBE, 28 March 1856.
213. IBID.
214. TORONTO DAILY LEADER, 28 March 1856.
215. IBID.



FRIDAY, 28 MARCH 1856

(195)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Dewitt,--The Petition of Richard Wilson and others, of Russelltown.

By Mr. Church,--The Petition of the Mayor, Aldermen, and Commonalty of the City of London.

By Mr. Mongenais,--The Petition of the Municipality of the Township of Newton.

By Mr. Bell,--The Petition of the President and Office-bearers of the Simcoe Mechanics' Institute and Library Association; and the Petition of Mrs. Robert Bell and others, of Carleton Place.

By Mr. Stevenson,--The Petition of William K. Forsyth and others, of the Township of Hillier and vicinity.

By Mr. Lyon,--The Petition of Laucelot Jackson and others.

By Mr. Prévost,--The Petition of the Municipal Council of the County of Laval.

By Mr. Clarke,--The Petition of John Powell and others, of the Town of Niagara and other places.

By Mr. Joseph Curran Morrison,--The Petition of John Counter, of the City of Kingston.

By Mr. Frazer,--The Petition of Samuel Zimmerman and others, of the Village of Elgin.

By Mr. Dionne,--The Petition of the Reverend J.C. Cloutier and others, of the Parish of St. George de Kakouna; and three Petitions of the Municipal Council of the County of Temiscouata.

By Mr. Sanborn,--The Petition of the Reverend Joseph Scott and others, of Dunham, County of Missisquoi; and the Petition of James O'Halloran and others, of Coxansville.

(196)

By Mr. Whitney,--The Petition of the Directors of the Clarenceville Academy.

By Mr. Cooke,--The Petition of Noah Jackson and others, of Aylmer; the Petition of the Aylmer Academy; the Petition of the Municipal Council of the County of Ottawa; and the Petition of James Campbell and others, of the County of Ottawa.

By Mr. Foley,--The Petition of the Town Council of the Town of Berlin; the Petition of the Municipality of the Township of Woolwich, County of Waterloo; the Petition of George Robinson Van Norman of the Town of Simcoe, and others; the Petition of the Municipality of the Township of Windham; the Petition of the Municipal Council of the Town of Simcoe; the Petition of Hervey Killam, of the Township of Townsend; the Petition of the Municipality of the Township of Wilmot; and the Petition of the Municipality of the Township of Wellesley.

By Mr. Brown,--The Petition of the Reverend William Graham and others, of the County of Huron; the Petition of Henry Johnson and others, of the Village of Hastings; the Petition of the Municipality of the Township of Bosanquet; the Petition of Thomas Wightman and others, of the Township of York; the Petition of Joseph Livergood and others; the Petition of Thomas Ross and others, of York; the Petition of R.A. Fyfe and others; the Petition of the Reverend David Walker and others, of Port Sarnia; the Petition of the Reverend M.Y. Neill and others, of Dundas; the Petition of the Reverend James Ferguson and others, of Lobo; the Petition of William Brack and others, of the Township of York and vicinity; the Petition of Joseph Lesslie and others, of the City of Toronto; the Petition of David Smellie and others, of the Township of York; and the Petition of George Snider and others, of the Town of Sydenham.

By Mr. Bellingham,--The Petition of John Meikle, Chairman, and John W. Gibson, Secretary, of Lachute Academy.

By Mr. Chisholm,--The Petition of the Reverend Peter Fergusson and others, of Esquesing and Trafalgar.

By Mr. Matheson,--The Petition of the Reverend William S. Ball and others, of Woodstock; the Petition of Abel M. Allison and others, of the Township of Wilmot, County of Waterloo; the Petition of D. McDermid and others, of Woodstock; and the Petition of D. McKenzie and others.

By Mr. Frazer,--The Petition of Robert Hobson and others, of the Township of Stamford.

By Mr. Holton,--The Petition of the New City Gas Company of Montreal; the Petition of Neal Dow Division, No. 27, of the Sons of Temperance, Montreal; and the Petition of Rollo Campbell and Louis Ferrault, Printers.

By Mr. Scatcherd,--The Petition of the Municipality of the Township of Williams, County of Middlesex.

By Mr. Alleyn,--The Petition of the Reverend John Cook and others, Members of the Committee of the Quebec Young Men's Protestant Education Union.

By Mr. Chapais,--Three Petitions of the Municipality of the Parish of St. Louis de Kamouraska.

By the Honorable Mr. Robinson,--The Petition of the Canadian Institute of Toronto.

By Mr. Solicitor General Ross,--The Petition of Mrs. Mary Ann Bankier and others.

By Mr. Daly,--The Petition of William Bell and others, of the Gore of the Township of Downie, County of Perth.

By Mr. Labelle,--The Petition of the Municipality of the Parish of St. Martin.

By Mr. Rhodes,--The Petition of John Adams and others, of the City of Quebec; the Petition of M. Fitzsimmons and others, of Frampton, County of Dorchester; the

(197)

Petition of W. Patton and others, of Berthier and other places in the Counties of Bellechasse and Montmagny; and the Petition of O. Le François and others, of the County of Lévis.

Pursuant to the Order of the day, the following Petitions were read:--

Of G. Dick and others, School Commissioners of St. Jean, County of Montmorency; praying for aid.

Of Félix Emmanuel Juneau, Principal of the Commercial and Literary Academy of St. Roch's, Quebec; praying for aid.

Of the Reverend O. Paradis and others, of Laval; praying aid to erect a School-house.

Of F.E. Juneau, President, in behalf of the Library Association of Teachers of the District of Quebec; praying for aid.

Of Odilon Poirier and others, of Ste. Julienne de Rawdon and St. Alexis; praying for aid to open out a road.

Of Joseph Turgeon and others, of the Parish of St. Alexis; and of the Municipality of the Township of Hemmingford; praying for certain amendments to the Municipal and Road Act of 1855.

Of Joseph H. Bellerose and others, of the Parish of St. Vincent de Paul; praying that the Parishes of Terrebonne and St. Thérèse may not be annexed to the County of Laval.

Of the Reverend Norbert Lavallée, of the Parish of St. Vincent de Paul; praying aid for the Laval College.

Of the Committee of Management of the Mechanics' Institute at St. Vincent de Paul; praying for aid.

Of A.M. Delisle and others, Proprietors of immovable property at St. Lambert, County of Chambly; praying that St. Lambert may be incorporated as a Town.

Of the Mechanics' Institute of the Village of the Canton of Chambly; praying for aid.

Of Pierre Bobin dit Lacroix and others, of the Parish of St. Bruno; praying that the annual Grant for Schools, may be increased to 150,000L.

Of Henry Burstall and others, of the City of Quebec; of William Nutbrown and others, of the County of Lotbinière; of Thomas Lloyd and others, of Inverness; of James Sanson and others, of the Township of Orillia, County of Simcoe; of J. Howard and others, of the City of Toronto; of Peter Robertson and others, of Port Hope; of Michael McDonagh and others, of the City of Toronto; of G. Murray Jarvis and others, of the City of Toronto; of James B. Johnson and others, of the City of Toronto; of J.S. Crookshank and others, of Barrie; of J. Gillan and others, of the Town of Barrie; of Robert Green and others, of the City of London; of Thomas Lamb and others, of the City of Toronto; and of Philippe Brunette and others, of St. Isidore; praying that the Bill now before the House to prohibit the sale and manufacture of Ale and Liquors, may not become law.

Of Thomas Mackie and others, of the County of Megantic; and of C.L. Coleman and others, of the Town of Belleville; praying for an inquiry into the causes of the denial of Justice, in consequence of the suspension of the Laws as lately occurred on the trial of the Murderers of Corrigan.

Of the Reverend R. Short and others, of the Township of Leeds, County of Megantic; praying aid to enable them to complete the Academy in the said Township.

Of the Brockville Gas Light Company and others, of the Town of Brockville; praying for certain amendments to their Act of Incorporation.

Of the Board of Common School Trustees of the Town of Brockville; of the Municipality of the Township of Trafalgar; of the Municipality of the Township of

(198)

Chinguacousy; and of the Municipal Council of the County of Haldimand; praying for the repeal of the Separate School Act.

Of Isidore Gautier and others navigating the St. Lawrence, and others; praying for certain alterations in the By-Laws of the Harbour Commissioners of Montreal.

Of the Sisters of Charity at Bytown; praying for aid.

Of James Stewart and others, of Esquesing, County of Halton; praying for an Address to Her Majesty soliciting the recall from banishment of William Smith O'Brien.

Of the Municipal Council of the County of Two Mountains; praying for certain amendments to the Act 18 Vic. cap. 99.

Of Robert Wyllie, Chairman, on behalf [of] a public meeting of the inhabitants of the Village of Ayr, County of Waterloo; of William Carl and others, of the Township of Crowland; of Leonard M. Mathews and others, of the Township of Crowland; of James Manning and others, of the South Riding of the County of Simcoe; of James Brady and others, of the South Riding of the County of Simcoe; of Mrs. Sarah Manning and others, of the South Riding of the County of Simcoe; of Mrs. Sarah Brady and others, of the South Riding of the County of Simcoe; of Mrs. Joseph West and others, of the Township of Otonabee; of John Allan and others, of the Township of Otonabee; of the Municipality of the Parish of Lacorne, County of Terrebonne; of A.W. Campbell and others, of the Township of Whitby, County of Ontario; of Thomas Duffill and others, of the South Riding of the County of Simcoe; of A. Farewell and others, of



Harmony and vicinity; of Mrs. Elizabeth B. Roberts and others, of the South Riding of the County of Simcoe; of Mrs. Susan Powell and others, of the Township of Whitby; of Samuel Thompson and others, of the Township of South Gower; of Robert Leslie and others, of the Village of Kemptville; of Abel N. Stevens and others, of the Township of Bastard; of Alfred C. Booth and others, of the Township of Bastard; of John H. Cleveland and others, of the Township of West Hawkesbury; of Captain William Wilson and others, of Oakville; of the Oakville Division Sons of Temperance; of the Oakville Juvenile Division Sons of Temperance; of the Municipality of the Township of Trafalgar; of Malcolm McGillivray and others, of the Townships of Lochiel and Kenyon; of the Reverend William Macalister and others, of Metis and Rimouski; of A.B. Pardee and others, of the Townships of Augusta and Wolford; of James T. Hutchinson and others, of the Township of Saugeen; of Mrs. Mary Gottwals and others, of the Townships of Bentinck and Brant; of John G. Ferris and others, of the Town of Meuford (sic) and vicinity; of James McNally and others, Members of the Concord Lodge of the Independent Order of Good Templars, of the Village of Dunnville; and of the Reverend George Young and others, of the City of Montreal; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend Duncan McRuar, in behalf of the Presbyterian Church of Canada, in the Village of Ayr; of the Municipal Council of the County of Argenteuil; of the Reverend William Ailkin and others, of Smith's Falls; of the Reverend Solomon Mylne and others; of the Reverend James Nisbit, on behalf of the Session of the Presbyterian Church, Oakville; of the Reverend Robert McKenzie and others, of the Town of Barrie; of the Reverend John Matheson and others; of the Kirk Session of the Presbyterian Church at Cold Springs; of the Reverend Francis Dobbs and others, of the Village of Portsmouth; of the Town Council of the Town of Brockville; of the Reverend William Macalister and others, of Metis and Rimouski; of the Reverend D. McMillan and others, of the Township of Aldborough, County of Elgin; of the Reverend W.R. Sutherland, and others, of the Presbyterian Congregation at Ekfrid and Mosa; of Samuel Fear and others; of John Alexander and others, of Barrie; and of William Cook

(199)

and others; praying for the abolition of Sunday labor in the Post Office Department, and on the St. Lawrence Canals.

Of the Municipal Council of the County of Champlain; praying that the Government guarantee may be given to the North Shore Railway Company, [f]or a grant of certain lands to enable them to construct the said Road.

Of Thomas Elliott and others, of the Municipality of Fitzroy; and of the Municipality of the Township of Huntley; praying for the passing of an Act to relieve from a heavy personal tax, the rural population of the County of Carleton.

Of Thomas Elliott and others, of the Municipality of Fitzroy; and of the Municipality of the Township of Huntley; praying that a Survey may be made in order to ascertain the probable cost of opening a continuous line of water communication from Lake Huron to the St. Lawrence, by the Valley of the Ottawa.

Of F. Maillot and others, School Commissioners of the Parish of Gentilly; praying for aid.

Of Mrs. Mary Sophia Coxwell, of the City of Toronto, widow of the late W.W. Coxwell; praying for relief, in consideration of the long and faithful services of her late husband.

Of William Cantwell and others; and of the Municipality of Russelltown and other places; praying for the erection of a Municipality under the name of Russelltown.

Of the Reverend M. Brunet and others, of the Parish of St. Jérôme; praying that a permanent Seat of Government may be established.

Of the Municipality of the Parish of Lacorne, County of Terrebonne; praying to be relieved from the payment of the Stock subscribed for by the said Parish in the Montreal and Bytown Railway Company.

Of the Municipal Council of the County of Argenteuil; praying for aid to open out Roads.

Of the Municipal Council of the County of Argenteuil; praying for aid to erect a Bridge across the River Rouge.

Of the Municipality of the Township of Harrington; praying aid for a Road.

Of Thomas C. Street, of Clark Hill, County of Welland; praying for certain amendments to the law relating to the sale of lands for taxes.

Of the Board of School Trustees of the City of Toronto; praying for the passing of an Act to enable them to sell a certain lot of land in the said City, held by them for school purposes, and to appropriate the proceeds thereof to the purchase of a more convenient site.

Of Donald Fraser, of Ste. Cecile du Bic, and other Parishes; praying for a grant to construct a wharf at old Bic Harbour.

Of the Municipality of the Township of Stephen; of the Municipality of the Township of Biddulph; and of the Municipality of the Township of McGillivray; praying that the Grand Trunk Railroad may be completed to Port Sarnia.

Of the Very Reverend Edouard Crevier, V.G., of Ste. Marie de Monnoir; praying aid for the Soeurs Grises of St. Hyacinthe.

Of the Reverend D.H. Tetu and others, of the Parish of St. Roch des Aulnets; praying for aid to repair the School House in the said Parish.

Of Louis Paul Boucher and others, of the Parish of L'Islet; praying for aid to open out a road to the Township of Arago.

Of the Mechanics' Institute and Library Association of Berthier; praying for aid.

Of the Trustees of Georgeville High School; praying for aid.

Of the Mayors of the Councils of Newport and Hereford; praying that Auckland may be attached to Newport for Municipal purposes, and that certain By-Laws be confirmed.

Of Otis Parker and others, of the Township of Hereford; praying to be indemnified for losses sustained by the Ashburton Treaty.

(200)

Of John Flanigan, for the Loyal Orange Association of British North America; praying that the Bill now before the House to incorporate the Loyal Orange Association of British North America may not become Law.

Of the Board of School Trustees of the City of Kingston; praying that the Bill now before the House to amend the 12th Section of the Upper Canada Separate School Act of 1855, may not become Law.

Of the Reverend F. Morrison and others, School Commissioners of St. Cyprien; praying for aid.

Of the Mayor and Corporation of the Town of Cornwall; praying for the passing of an Act vesting in the said Corporation certain lots in the said Town for the general usages of the same.

Of the Municipality of the Township of Trafalgar, County of Halton; praying that a certain portion of the second concession line may be vested in the Trustees of School Section fifteen, on which to erect a School House.

Of William Allan and others, of the Township of Chinguacousy; praying that the County of Peel may be set apart for Judicial and County purposes.

Of the School Commissioners of the Parish of St. Alexandre; praying aid for a Model School in the said Parish.

Of the Municipal Council of the County of Kamouraska; praying for a grant to construct two Wharves, one at St. Louis de Kamouraska, and the other at St. André.

Of the Mayor, Aldermen, and Councillors of the City of Quebec; praying that the Bill now before the House so (sic) repeal in part and provide a remedy against the City of Quebec in case of injury to property by Riot may not become Law.

Of the Municipality of the Township of North Stukely, County of Shefford; of Daniel Smith and others, of the County of Shefford; of the Municipality of the Township of Shefford; of the Municipal Council of the County of Shefford; and of the Municipality of the Village of Philipsburg; praying for the passing of an Act to create the Counties of Shefford, Missisquoi, and Brome, into an independent Judicial District.

Of Robert W. Wright and others, Members of the Library Association of St. Johns; praying for aid.

Of the School Trustees of School Section number one, of the Township of Moulton; praying for the passing of an Act to confirm certain proceedings of the said School Trustees.

Of Messieurs Knapp and Holmes and others; praying for an Act of Incorporation as the Canada Marine Insurance Company.

Of B.F. Davy and others, of the Town of Belleville; praying for the passing of an Act for the encouragement of Horticulture.

Of the Town Council of Prescott; praying that incorporated Towns may be relieved from taxation for general and special purposes by the County Councils in which such Towns are situated.

Of James Taylor and others, of St. Patrick's Ward, of the City of Toronto; praying that the prayer of the Petition of the Mayor and Corporation of the City of Toronto to incorporate a Company to construct a Railway from Toronto to Saugeen may not be granted, and that the rate of taxation for the said City may be limited to a certain sum.

Of Mrs. Jane Freligh, of the Village of Frelighsburg, widow of the late John Hutchison; praying for the passing of an Act to incorporate the Frelighsburg Academy, in order that the said Academy may become vested of certain property bequeathed by her late father.

Of A. Martineau and others, of the Parish of Ste. Anne de la Pocatière, and Township of Irworth, County of Kamouraska; praying for a grant to complete the Road through the said Township.

Of Théophile Boucher and others, of the Parish of St. Alexandre; praying for aid

(201)

to complete the Road to connect with the Township of Parke, in the rear of the said Parish.

On motion of the Honorable Mr. Cameron, seconded by Mr. Jackson,

Ordered, That the Select Committee on the Argenteuil Election Petition have leave to adjourn until Monday next, at Eleven o'clock in the forenoon, in order to afford the Counsel for the Petitioner time to prepare argument to close his case.

Mr. Chapais, from the Standing Committee on Standing Orders, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Petitions, and find the Notice sufficient in each case, viz: Of Robert D. Rogers and others, of the Scotch Village in the Township of Otonabee, for incorporation of the said Village; of W.P. Vidal and others, of the Town of Port Sarnia, for incorporation of the said Town; of George Byron Lyon, of the City of Ottawa, in Upper Canada, Esquire, M.P.P.; of the Mayor,



Aldermen, and Commonalty of the City of London, for authority to dispose of a burial ground; of George S. Wilkes, of Brantford, for authority to construct a Dam on the Grand River; and of J.C. Trull and others, for a Survey of the front concession of Darlington.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the prayers of the following Petitions, and find them of a private or local nature, therefore are of opinion that the expense of printing them should not be borne by the House, viz:--

Petition of E.F. Bowen and others, praying for the construction of a Lunatic Asylum at or near the Town of Sherbrooke.

Petition of Thomas Parke, Esquire, praying that the Port Dalhousie and Thorold Railway Company may be allowed to extend their Road to Port Colborne.

Petition of Thomas Simard and others, Branch Pilots below the Harbour of Quebec, praying for certain amendments to the Act 12 Vic. cap. 114.

And Petition of John Fleming, praying to be indemnified for damage sustained by the making of a Government Road through his property.

Your Committee have examined the following Petitions, and also recommend that they be not printed for the reason that they pray for amendments to the Municipal and Road Act of Lower Canada, passed during the last Session, before, in the opinion of Your Committee, time has been given to prove the working of that Act, viz:--

The Petition of the Municipality of the Township of Godmanchester; and the Petition of L. Fournier and others, of the Parish of Ste. Magdelaine de Rigaud.

Your Committee recommend that the following be printed:--

Return to an Address for a Statement of Municipal Debentures of the County of Terrebonne exchanged by the Government for Provincial Debentures, together with Correspondence, except such portions thereof as are duplicates. The usual number of copies, and one hundred copies in French and fifty copies in English, extra for the Mover. Estimated cost, Thirty-nine pounds fifteen shillings.

Also the Petition of the Municipal Council of the County of Wentworth, praying for certain amendments to the Municipal Road Act of Upper Canada. The number of copies as usual of Petitions. Estimated cost, One pound fifteen shillings.

MR. STEVENSON ... moved that the house do concur in the said report.<sup>1</sup>

MR. J. DORION (Arthabaska) wished to call the attention of members from Lower Canada to the Report, so far as related to the petitions on the subject of the Municipal Act of Lower Canada for 1855. He thought the committee had taken a little too much upon themselves by giving as a reason why these petitions should not be printed, that the Act had not been in operation long enough yet to test its working.<sup>2</sup> There were already a great many petitions before the house on the subject--they were daily continuing to come in, and still more would have come, but for the assurance given by members to the electors throughout the country that some amendments would be proposed this session.--And still more when the question came up a few days ago for the appointment of a Select Committee to which to refer those petitions, there was not one member from Lower Canada who said that the act did not require amendments, and the Attorney General East himself, who framed the Act, promised to bring down a bill to amend it. After the discussion that then took place he certainly thought that it ill became the committee to make such a recommendation as they had done. It was tantamount to asking the house for an expression of opinion that the people ought not this session to petition for any alteration in the act--and this, when it was notorious that many of its provisions could not possibly be

worked.<sup>3</sup> In many parts of the country the act has worked well and in all parts its principle has been received by the people. But as some of its provisions could not be worked without entailing a great deal of expense, and as the people who have found the necessity of some amendments, have petitioned that these be made, he would therefore move that that part of the report be struck out, and these petitions be printed and referred to this House.<sup>4</sup>

MR. PAPIN moved in amendment that the said report be not now concurred in, but that it be referred to a Committee on the Whole on Monday next.<sup>5</sup>

MR. J.S. MACDONALD said he remarked at the time that this committee was appointed that they would have some difficulty in disposing of the petitions and other matters referred to them. The committee had, in his opinion, travelled out of their line of the duty assigned to them, in thus reporting in regard to these petitions. He understood their duty was to have examined any documents or volum[i]nous returns submitted to them, and to say whether these should be granted in full or only in part. But to refuse to print these petitions asking for amendments to the Municipal and Road Act of Lower Canada, and give as their reasons for so doing that that law had not yet had time to prove its working, was to prevent any steps being taken to amend that law during this Session, because that Report states the law has not had a fair trial.<sup>6</sup> If the report were adopted, it would be useless to present another petition on the subject this session. He hoped the house would not commit itself to the declaration that the act was working well, when so many petitions presented against it proved the contrary.<sup>7</sup>

MR. STEVENSON explained that the Committee had not exceeded its powers; and had given the reasons they had done for rejecting the petitions complained of, because they considered it necessary to do so.<sup>8</sup> He had not wished to pledge the house to any principles. The Committee conceived that the printing of many of the petitions was unnecessary, but the house might over-rule their recommendation if they pleased. He had no objection to the Report standing over till Monday.<sup>9</sup>

MR. AT. GEN. J.A. MACDONALD said a story was told of Lord Thurlow, that a friend of his on being appointed Governor of one of the West India Islands, which involved his acting as a judge in officio, asked what he was to do since he was no lawyer. Lord Thurlow said--"Give your decision as you think most in accordance with common sense, but never give your reasons for it. For very probably your decisions might be right, while in 99 cases out of 100 your reasons might be wrong." This applied to the present case. The committee might be right in saying the petitions should not be printed, but they erred in giving reasons which amounted to an expression of opinion that the petitions were premature. He thought the committee should refrain from expressing their reasons why any document should or should not be printed.<sup>10</sup>

MR. BROWN considered the doctrine laid down by the Hon. Attorney General West, was of a most singular character. He had quoted the opinion of Lord Thurlow, that a judge should give his decision without stating his reasons for that decision. But it appeared to him that if these reasons had not been stated by the committee this matter could not have been discussed.<sup>11</sup> Surely it could not be contended that the whole papers of the house should be handed over to this committee, to let them decide ex cathedra, whether this or the other document should be printed, without giving any reasons for their decision. In a matter of this kind he thought the committee acted very properly in stating their reasons, and allowing the house to judge

of their force. In the present case he did not agree in the view expressed by the committee, but he hoped they would not take the suggestion of the Attorney General, but would continue the practice of stating their reasons for the conclusions they arrived at. He hoped it would be decided to print these petitions. And there was another portion of the Report in which he could not concur. The committee recommended that certain of the documents connected with the Terrebonne Debentures should not be printed. Now, he thought that in a matter of so great importance the whole of those documents should be placed in the hands of hon. members.<sup>12</sup>

MR. STEVENSON, in reference to the last remarks of the hon. member for Lambton, explained that there were some four or five by-laws substantially the same, and that the Committee were of opinion that the printing of one of them would be sufficient.<sup>13</sup>

MR. DUFRESNE regretted that the committee had not given as their reasons for not printing these petitions the reasons stated by the hon. member for Arthabaska; that the Government intended to bring in a bill to amend that Act, during the present session. That was the reason the committee should have given. They should not have taken upon themselves to say that that law had not been sufficiently tried to prove that it required to be amended.<sup>14</sup>

MR. STEVENSON would remind the hon. gentlemen that the decision of the committee was not final in the matter. It was optional with the House to ratify or amend that decision.<sup>15</sup>

MR. AT. GEN. DRUMMOND said the member for Glengary had entirely mis-apprehended the decision of the house on the subject of printing.<sup>16</sup> In appointing the Printing Committee, the House had decided that all documents and papers ordered to be printed should be referred to that committee, whose province was to decide what documents should be printed, and whether they should be printed in whole or in part. At the same time, however, it rested with the house to accept or reject such report.<sup>17</sup> He hoped that this Report would be postponed for the present. In reference to these petitions, it would be found that a great number of them demanded the same thing, a number of them wished to have the powers now vested in the Superintendent vested in the Secretary, Treasurer; in fact, that this officer should be Secretary, Treasurer, and Superintendent of the County, at the same time. A number of these petitions ask some other change (sic), and he thought if the committee had recommended the printing of one of each of these petitions, and the printing of every petition that contained something new, they would be carrying out (sic) the objects for which they were appointed by this House.<sup>18</sup>

MR. INSP. GEN. CAYLEY said the appointment of the printing committee arose from a suggestion of his own, that as the printing of the House entailed an enormous expense, some means might be adopted by which that expense might be lessened. The proposition was, that all questions connected with printing should be referred to that committee, to report the expense, and to say whether in their opinion it was necessary or not that the document should be printed. That committee may give their reasons why any document should not be printed; but this House, in adopting that report, did not adopt the reasons of the committee, but simply the results of their deliberations. The House was not committed to the reasons of the committee, but at the same time he thought they would consult the convenience of the House by leaving out their reasons, and by simply stating whether it was advisable or not to print the document.<sup>19</sup>



MR. J.S. MACDONALD never understood when he voted for that committee they were to have the power to say that any petitions were not to be printed. What were these petitions? They were the complaints of the people who ask for redress, and yet this committee say they must stifle these complaints. It was never intended that committee should have such a power. In very large documents and voluminous returns they might say that such and such portions should not be printed, but he never expected they would take upon them to stifle the voice of the people.<sup>20</sup>

MR. FERRES said, if the Printing Committee were not allowed to exercise their discretion it were better that the petitions were not referred to them at all. As one of that committee he could assure the House that the labors of that committee were by no means small, nor were they pleasant. He was quite sure, however, that if they recommended that these petitions be not printed it was not with a view to stifle the voice of the people, as had been stated by the hon. member for Glengary; but simply with a view to economy. He concurred in the remarks of the hon. Attorney General East, and had recommended to the committee that as several of these petitions were in French and others in English, that one of each should be printed for the House, but a majority of the committee were opposed to this as in their opinion unnecessary.<sup>21</sup>

MR. MACKENZIE objected in toto to the mode of printing petitions adopted by the House, and urged upon their consideration the propriety of pursuing the economical course, which was found to work so well in the House of Commons. He said he had often urged this upon the attention of the printing committee in former years, but the old expensive way was still followed.<sup>22</sup> [He] considered it was only on a par with all the other acts of that House, inasmuch as they never do anything economically.<sup>23</sup>

MR. STEVENSON asked leave to withdraw the report, which was agreed to.<sup>24</sup>

The amendment was [also] withdrawn and the consideration of the report of the committee was postponed to Monday.<sup>25</sup>

(201)

Ordered, That the Report be referred back to the said Committee.

Ordered, That the Petition of Peter Skelly and others, of Rawdon and other Town-

(202)

ships, County of Montcalm; praying for certain amendments to the Act to incorporate the L'Assomption River and Railway Company, and all other Petitions on the same subject, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, Annual Report of the Senate of the University of Toronto on the Affairs of the said University, for the year 1855.

Bursar's Statements and Accounts, and Estimate of Income of the University and Colleges at Toronto, for the year 1855.

Bursar's Statements and Accounts, and Estimate of Income of Upper Canada College, for the year 1855.

For the said Report, Statement[s] and Accounts, see Appendix (No. 11.)

MR. CAMERON brought in a Bill to confer certain privileges on the Bank of Upper Canada.<sup>26</sup>

MR. MACKENZIE condemned the practice of giving in scraps of paper and calling them Bills.<sup>27</sup>

MR. CAMERON said that if there was a rule on the subject, he would of course withdraw his Bill. The Bill would be printed in half an hour; and he had acted as he did in order to save time. It was customary for members to give in the name of the bill before it was printed.<sup>28</sup>

MR. BROWN hoped that the hon. member for Haldimand would withdraw his objection.<sup>29</sup>

MR. MACKENZIE would not withdraw his objection. He would oppose all such practices.<sup>30</sup>

After some observations from MR. SICOTTE the SPEAKER,<sup>31</sup>

MR. J.S. MACDONALD said that he thought it was customary to act as Mr. Cameron had done, and if so, the bill should be allowed to be given in.<sup>32</sup>

MR. CAMERON.--The bill will be printed before the House has got through the notice[s] of motion, and sooner than be under a compliment to the hon. member for Haldimand, he would withdraw his motion, for the present.<sup>33</sup>

MR. J.S. MACDONALD reminded the House that he had given notice in reference to a call of the House, to consider the Seat of Government question; he had done so in order that members might not be taken by surprise.<sup>34</sup>

MR. SOL. GEN. H. SMITH objected to the taking up of this matter now.<sup>35</sup>

MR. J.S. MACDONALD.--Of course if the Government objects, it is enough.<sup>36</sup>

MR. SOL. GEN. H. SMITH did not object in the name of the Government. He objected personally.<sup>37</sup>

(202)

*Ordered, That Mr. Somerville have leave to bring in a Bill to amend the Lower Canada School Acts.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*<sup>38</sup>

MR. AT. GEN. J.A. MACDONALD, in moving the first reading of a bill "to establish an efficient Police force in this Province" said, Mr. Speaker, this bill has been delayed some time, as the house is aware, in consequence of the illness of Sir Allan McNab, whose measure it is. He was one of the Commissioners, appointed by this house last year, of the Police Bill then proposed, and the matter has been held back, in order that he might have an opportunity to lay it before the house. His health is so feeble that he is not able to come here, and therefore I have been requested to submit this matter to the house in his place. The house will remember, that Commissioners were appointed for the purpose of reporting upon the best mode of introducing a bill for the re-organization of the Police force, and putting it upon

an effective footing, and also for suggesting a proper system of police force for Canada.<sup>39</sup> That report had been in the hands of members for more than a year, and they had had time to examine it carefully and for[m] their opinions on the subject. The government did not propose, however, in the measure he was about to submit to the House to follow that report in all its particulars, for reasons which should be more fully stated when the bill came on for a second reading.<sup>40</sup> It is not proposed to form a police which shall supersede the local constabulary in the rural districts.<sup>41</sup> They had seven cities in Canada--Quebec, Montreal, Kingston, Ottawa, Toronto, Hamilton and London: and in each of these cities a Police force was already established; and the only difference proposed to be made with respect to them, was, that instead of the Police force being chosen and controlled<sup>42</sup> by their corporations as now, and subject to the local influence and local partisanship<sup>43</sup>--they would be selected by and under the immediate control of the Commissioner of Police, who should be appointed by the Government. In addition to the cities he had previously enumerated, it was proposed to have two additional Police Stations in Lower Canada--one at Sherbrooke and the other at Three Rivers.<sup>44</sup> The bill will, I think, be ready for distribution to-morrow.... It is intended that the act shall go into operation at once, so as to enable the government to appoint a Commissioner of Police, and to enable him to set to work with subordinate officers.<sup>45</sup> So soon as the force was sufficiently organized the Governor General would by proclamation, declare the law in force in the nine places named.<sup>46</sup> The police in these several stations shall assume the position and place of the present police in all these localities. Every policeman up to the sub-constable will be a public officer. He can go from one county to another and exercise his duties as an officer without being nominated by any one particular municipality. This idea is not a new one. There is no subject which has occupied the public attention more than this. In England, originally as in this country, the police were organised only in incorporated cities and boroughs, and they were elected and chosen as hitherto was the case in Canada by the local municipality. And although that system as a general thing was open to objection, yet it is found that in a place where a police force is most valuable--where any particular local excitement may exist, it has been found that in such a place a disinterested police is most essential, and when it is chosen by a body not affected by the prejudices which may have led to that particular excitement or riot.--That necessity was shown in London in the case of the Lord George Gordon riot, and it was also illustrated in this country, that the local police chosen by the municipalities or local magistrates, when the people were roused by any excitable question, failed at that very moment to quell it. (Hear, hear.) In England it was found necessary to obviate this great evil by introducing a general system of police, by which municipalities were relieved from the danger and responsibility attending their appointment of Police Constables, who were of little avail in popular disturbances.--The Crown for the time being, is the great conservators (sic) of the public peace, and the Executive officer of the land. It appoints the justices and magistrates, and it should appoint those individuals who are charged to carry out the great and common object of the whole community--peace and quietude. By means of a series of charters, however, which were granted, these powers, formerly in the Crown, were handed over to the local Corporations. But that power has been resumed in England; and everybody who knows anything about Great Britain, is aware what a magical effect it had upon the peace and prosperity of towns and cities, and the powerful influence that the institution exercised over large congregations of persons assembled for dangerous purposes. We propose to adopt the same system in this country. I may also add that, after this great system had been fully tried in England, it was introduced into Ireland by Sir Robert Peel; and everybody knows how distasteful that proved in Ireland at the time, for the name of a "Peelite" was



looked upon by the police as a keen reproach, but yet that general system of police force has worked wonders in that country. The bill before this House proposes to introduce the same wholesome system in Canada. It is intended to have in each city, and in the two towns I have mentioned, which are the centres of large districts, Three Rivers and Sherbrooke, a police force concentrated. The Commissioner of Police who will be, or ought to be, a person fully framed to the duties of his office and conversant with the system, will reside at the head quarters of the Seat of Government wherever it may be located, and he will have supervision over the whole police force of Canada. As the different municipalities will lose the power of appointing their local constabulary, and that power will be transferred to the Government, it is provided in this bill that two-thirds of the expence of the force stationed shall be paid by the municipalities of the large cities, and one-third by the Government. It is provided, however, that not more than one policeman should be given to so many inhabitants, the number being left blank<sup>47</sup> [OR] say one, in a hundred, or one in a thousand.... The object of such restriction being to prevent such an unnecessary force being stationed in any one place.<sup>48</sup> That, of course, will have to be settled in committee. No town will be charged against their will with a larger force at their expense than they desire to preserve the peace.<sup>49</sup>

MR. J.S. MACDONALD (Glengary).--That is to say, I suppose, that the municipalities where they are stationed are to pay for the force?<sup>50</sup>

MR. AT. GEN. J.A. MACDONALD.--Yes. It is further proposed, that any of these municipalities may have a larger force if they wish to pay for it, but that force shall be so organised that it will come under the same supervision and government as in cases where the force is not so large. There are several reasons why this should not be made to extend to the rural districts.--When the bill comes up for a second reading they will be explained. It is, however, provided that the Government may, at any time, should riot occur or exigency demand it, have the power to send a portion of the force stationed in any locality to another, and concentrate it in any particular quarter. It is necessary that they should possess that power in order to enable them to perform their duty.<sup>51</sup> A further provision of this bill is to the effect that any municipality requiring the establishment of a police force in addition to the stations before mentioned, had but to notify the Government of their wish, and a force would be located there, subject to the same conditions as in the other localities. The act also provides that in case of any riot or disturbance, or apprehension thereof in any place in Upper Canada, then if such place be a city or incorporated town, that a sufficient police force shall be sent to put down or quell the same upon a requisition in writing, addressed to the officer in command of the police force at any place, and signed by any judge of one of the Superior Courts of Law, actually holding the Court of Assize in such town--or upon a requisition addressed as aforesaid, and signed by the County Judge or the Sheriff of the county in which such town is situated, or by the Mayor of such town, and signed (in addition to such County Judge, Sheriff, or Mayor) by two Councillors of the town, or by two Justices of the Peace having jurisdiction therein; or by one such Councillor or Justice of the Peace; and if such place be not a city or incorporated town, a sufficient police force shall be sent to put down or prevent such riot or disturbance, upon a requisition in writing addressed to the officer in command of the Police Force, at any place, and signed by any Judge of one of the Superior Courts of Law, holding the Court of Assize in that County; or upon a requisition addressed as aforesaid and signed by the County Judge, Sheriff or Warden of such county, signed also by two Justices of the Peace having jurisdiction in such county, or by one or two County Councillors, or by one such Justice or Councillor. The hon. gentleman

pointed out at much length the necessity for the restrictions imposed by this clause: which guarded against much unnecessary expense.<sup>52</sup> Sometimes, magistrates are needlessly alarmed; and if any one magistrate could summon into any city where there was a fear of disturbance, any quantity of police, and put the local municipalities to expense, it might be very injurious. Such an instance occurred on the Niagara frontier, when he was Attorney General, and he had declined, upon the part of the Government, to reimburse the magistrate the expense.<sup>53</sup> The Government had the right to use the enrolled pensioners upon a mere report that a gang of robbers were about to commit robberies, or if magistrates sent down a requisition to Niagara and brought up the pensioners immediately. He had been obliged to report as Attorney General against the legality of the act.<sup>54</sup> If in the case he had just alluded to, the Chief of Police considered that a large force was required--that force would, on his order, be forwarded to the locality at once by the next Superintendent.<sup>55</sup> It is also proposed by this bill, that where there is a local breach of the peace, or riot, that the municipalities shall be charged with the expense of sending the Police force down, except if any riot takes place upon any public works, when the Government would be responsible. And in the case of riot occurring among the labourers employed in constructing a canal or other great enterprise for a company, the company will be responsible, and will pay to the Government the expense incurred. There is a clause in the bill which makes it voluntary upon municipalities in Upper and Lower Canada to avail themselves of the force if they please. If the government is asked by towns to forward on police, they would become chargeable just the same as if they had been expressly mentioned in the bill, and so in the case of Rural Municipalities.<sup>56</sup> The hon. gentleman then went on to say, that he had merely mentioned the general principles of the Bill. The details were necessarily voluminous, and would be discussed by the house hereafter.<sup>57</sup> The Government desired if it was necessary that the protection of the peace of the great cities should no longer be entrusted to men living among the citizens, sharing the prejudices and the excited feelings of the populace against whom they might be called upon to act. It was only by separating these men from the populace by causing them to live in barracks and subjecting them to the control of a central government that their efficiency could be secured.<sup>58</sup> By this measure it was contemplated that they should be ... liable to be sent off at a moment's notice to quell an outbreak or prevent a breach of the peace. In conclusion the hon. gentleman moved that the bill be now read a first time.<sup>59</sup>

MR. A. DORION, (of Montreal), remarked that the hon. Attorney General had stated nothing as to the number of men to be embodied, or the expense.<sup>60</sup>

MR. AT. GEN. J.A. MACDONALD said the salaries of the officers, &c., were the same as stated in the report and the same strength of the body was provided in the bill as in the report<sup>61</sup>; but he could not find the passage just then. The force would be about 350 constables, and 150 sub-constables.<sup>62</sup>

MR. MACKENZIE said, that after two months' deliberation, the Government had succeeded in bringing down to the House merely a blank bill.<sup>63</sup>

MR. A. DORION said there were two principles in the bill; one for cities and one for rural municipalities. In one case its establishment was left optional; in the other, for the favor of being relieved of ... naming the police and officers, the cities were to be forced to take the government force and pay for it.<sup>64</sup>

MR. AT. GEN. J.A. MACDONALD.--Only a portion of it.<sup>65</sup>

[MR. A. DORION] was of opinion that it would have been a great improvement to the measure if the hon. Attorney General had so far modified it as to allow both incorporated municipalities and the rural districts to ask for a police force before one was imposed on them. If it were right for the rural districts to ask for a police force, if they considered it a necessity, surely the incorporated municipalities had a similar right.<sup>66</sup> He did not think a Government Police was required in the cities more than in the rural districts. The details of the Bill would come up for discussion afterwards, and he would only further remark at present, that the measure had not been asked for by any municipality or by any portion of the people whatever.<sup>67</sup> He believed the local police in the cities was efficient and no one complained of it.<sup>68</sup>

MR. AT. GEN. J.A. MACDONALD explained that the Government had not proposed this measure without great deliberation. It was not till events in the country had made such a measure imperatively necessary, and after England had adopted a similar system, that they came down to the House with this measure.<sup>69</sup> [He] admitted that the Bill had not been asked for by any municipality, nor were they likely to ask for it, for the municipalities would like to retain all the power they now had. Perhaps the new Police Force would not be wanted in Montreal. Montreal was a particularly orderly city! But he had seen riots in Kingston and<sup>70</sup> he remembered times in which the local police force proved worthless, when the troops had to be called out and bloodshed ensued, just because there was no efficient police force to check the riot at first.<sup>71</sup> Perhaps the hon. member would like to make a special exception in favour of Montreal.<sup>72</sup>

MR. A. DORION said that the Attorney General, in the remarks he had just made, as to Montreal, probably had reference to the events of 1849,<sup>73</sup> when there were peculiar disturbances in Montreal,<sup>74</sup> of which the hon. gentleman knew a good deal. But he must know also, that the Police Force then organized by the Government for Montreal, at an expense of 15,000L or 20,000L, had to be disbanded at the end of two years, because they had been of no use whatever.<sup>75</sup>

MR. J.S. MACDONALD only rose to approve of that portion of the bill which relieved the rural portion of the country from the necessity of accepting and paying the force.<sup>76</sup> [He] thought, that as regarded the rural Municipalities of Upper Canada, they would not trouble the Government with any applications for a Police Force, to keep the peace, except at places where public works were going on, and there the measures for keeping the peace were effectual enough already. As regarded the application of the Bill to towns and cities, he would leave that matter to be dealt with by hon. members representing town and city constituencies.<sup>77</sup>

The Bill was then read a first time<sup>78</sup>.

(202)

*Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill for establishing a general system of Police in this Province, and an efficient Police Force in certain Cities and Towns, and in other places where the Municipal Authorities shall require it.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.*

MR. FERRIE moved the following resolution--"That this house considers it expedient that a suitable coinage be procured for this Province." The hon. gentleman



said that every one must be aware of the great want of a suitable coinage in this country, and particularly of small coins.<sup>79</sup> His object in bringing forward the motion ... was that parties in business who, like himself, found great difficulty in obtaining change for use in their ordinary business transactions, might be relieved of this difficulty. No small change could be procured but the copper issued from our own Banks, and English shillings and sixpences, and even these could hardly be obtained now.<sup>80</sup> During the last year there had been no possibility of getting a sufficient supply of copper coinage. Even the Bank of Upper Canada had not got it, although authorized by an Act of Parliament to import it, and great inconvenience was felt in the carrying on of ordinary business. By the act of 1853 it was provided that the Queen might direct gold, silver and copper coins for this Province to be struck at the Royal Mint, and he desired that the Government should take some steps to procure such coinage for this country.<sup>81</sup>

MR. INSP. GEN. CAYLEY said the resolution went much farther than might have been inferred from the remarks of the hon. member. He complained of a scarcity of small coins, but the resolution went to the extent of adopting a suitable coinage for Canada, which implied that we should have a coinage of our own, not only of copper but of silver and gold.<sup>82</sup> The Bank of Montreal and Bank of Upper Canada are now authorized to procure copper coin, and would no doubt do so. He had intended to consult with the Banks on this subject. This resolution included gold. The question was a most important one, and deserved a careful consideration. Tampering with the currency might clog business and depreciate the value of our paper currency. Now Canadian paper not only circulated, but was in demand in the United States. It was redeemable in coin coined in the United States and Great Britain but making them redeemable in coins of our own (sic), circulating within our own Province, would reduce their value.<sup>83</sup> He admitted, however, that at present we suffered very much from the inconvenience of a constant drainage from the country of the coin with which we were called upon to redeem our notes, which were so current in the States that they were able to supply themselves with specific currency by drawing on our Banks. The result was that by this circumstance, our Banks were, to a certain extent, crippled or hampered. But he did not know that, to remedy that inconvenience which was of a temporary character, we should adopt a coinage of our own, which would affect the value of our paper out of our own limits.<sup>84</sup>

MR. FERRIE.--There has always been a difficulty in obtaining small coins from the Banks.<sup>85</sup>

MR. INSP. GEN. CAYLEY would be glad to have the opinion of the House on the matter--as the question could not be too cautiously dealt with.<sup>86</sup> We should be very careful to do nothing to impair the credit and negotiability of our securities, or make them other than they now are--first-class. He hoped the hon. member would withdraw his motion for the present. He would be glad to have the advice of the hon. member for Montreal, representing the commercial interests of Lower Canada, on the subject. There was nothing more dangerous than interfering with the currency, or creating a distrust in the countries with which we trade.<sup>87</sup> We could not expect to make a profit by a coinage of our own, for it would be necessary to regulate it by the strictest rules of value.<sup>88</sup> The American eagle and half eagle were not current in England a few miles away from the seaports with which the United States principally traded<sup>89</sup>, and so a coin established for this country would be perfectly useless out of our own limits. He did not think, however, that this was a conclusive argument against having a coinage of our own, for it would be weakened day by day as we grow in population and the extent of mercantile transactions. But

he thought it premature to (sic) press the matter at present. He was willing, however, to see if an arrangement could be made with the banks to have a better supply of small coins.<sup>90</sup>

MR. FERRIE rose to disabuse the mind of the hon. Inspector (sic) General of the view he had taken of the question. All that was wanted was<sup>91</sup> a suitable coinage, not gold, if not needed, or large silver if not needed.<sup>92</sup> He considered it was the duty of the Government to obtain this by some means or other. If they could not do it otherwise, they should adopt a small coinage of their own.<sup>93</sup>

MR. BROWN considered that the house was indebted to the hon. member for having brought forward this resolution. He perfectly agreed with him that there was a great want of copper and silver coinage in the country, and he did not suppose he wished to go the length of a gold or large silver coinage. But he wished to ask<sup>94</sup> whether the Government was prepared to carry out the Act of '53,--if the Inspector General would carry out the policy of his predecessor, Mr. Hincks,<sup>95</sup> for the striking of a Provincial coinage at the Imperial mint--or whether he intended to forsake that policy which he lauded so highly on assuming office. That Act was now on the Statute Book, and it was for the Inspector General to justify his course in not having carried it out. He was sure the hon. gentleman would be willing to withdraw his motion,<sup>96</sup> or allow it to stand for a later day<sup>97</sup>, if the Inspector General would say that the Government were prepared with measures that would supply what was desired. As regarded a gold coinage, he admitted that he rather leaned to the view of the Inspector General. There was another point of some importance--the drain of gold which was continually taking place from this country into the United States, in consequence of the great demand for wild lands in the Western States and the circumstance that they were paid for in Gold. Canadian bills were taken up all over the United States, brought into Canada, and turned into gold for the purpose of purchasing lands in the West. This had caused great difficulty to our banks, and he believed they often had to pay large per centages to procure gold. It had been suggested by many mercantile men and bankers, that they ought to be allowed to pay out gold in tale. He did not think that should be done, as it would have the effect of reducing the value of our currency; but it was well worthy the attention of the Government whether some plan might not be devised by which the evil could be ameliorated without injuriously affecting the credit of our currency. Several suggestions to this end had been made by prominent mercantile men, which were at least entitled to the best consideration of the Inspector General and his colleagues. That, however, was a question altogether different from the question presented by the member for Waterloo.<sup>98</sup>

MR. INSP. GEN. CAYLEY, in reply, stated that it was his intention to consult with those most likely to understand the expediency of the proposed scheme. But he was most decidedly against issuing a large coinage of gold and silver.<sup>99</sup> [He] would take an early day to inform the House of the result of his conference with the Banks.<sup>100</sup>

MR. BROWN was desirous of knowing, if the resolution were withdrawn, would the hon. Inspector General bring forward a motion on the subject during the present Session?<sup>101</sup>

MR. J.S. MACDONALD suggested that the resolution should be postponed.<sup>102</sup>

The suggestion was over-ruled and the motion was accordingly withdrawn<sup>103</sup>, on the understanding that the Government would give their best attention to the matter.<sup>104</sup>

It being now 6 o'clock MR. SICOTTE the SPEAKER left the chair.... [He then returned] shortly after half-past 7 o'clock.<sup>105</sup>

(202)

*Ordered, That Mr. Laberge have leave to bring in a Bill to authorize the Defendant in certain Actions of damages to conclude in his Defence for Contrainte par corps.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That Mr. Biggar have leave to bring in a Bill to vest certain Road allowances in the Township of Brantford in George S. Wilkes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

MR. RANKIN moved an address to his Excellency for a copy of the report made to the Crown Land[s] Department by Albert Salter, Esq., P.L.S., upon the country bordering upon the north shore of Lake Huron, recently explored by that gentleman.<sup>106</sup>

MR. COM. CR. LANDS CAUCHON said that Mr. Salter had discovered an immense quantity of good land, behind Lake Huron, at a distance of a mile, or a mile and a half, from the shore<sup>107</sup>--enough to make 60 Townships of very good land, and when they thought they had no land to sell they were really mistaken.<sup>108</sup> The object of the Government had been to ascertain the length of arable land from one end of Lake Huron to the other, but the survey was not yet quite finished. They did not know yet whether the valley was continued to Lake Nipissing. That would be established by continuing the line or basis of survey from one end to the other, and having perpendicular lines to that line. This would thus be, not only a basis of exploration, but a basis of surveys, and would save a considerable amount of money to the Province. It was with great pleasure that the Government consented to give the information sought to the House, for the survey had been ably made, and the report was well written.<sup>109</sup>

MR. BROWN said he was sure the information which had been communicated to the House by the Commissioner of Crown Lands, would give satisfaction to every one; and he was glad to hear that Mr. Salter's valuable report would be published, and put in circulation through the country. Perhaps the hon. Commissioner would state how far north these lands extended from Lake Huron.<sup>110</sup>

MR. COM. CR. LANDS CAUCHON replied that the shore of Lake Huron was very rocky, but good arable land commenced about a mile or a mile and a half from the shore, and was of a depth of thirty or thirty-five miles.<sup>111</sup>

MR. A. DORION was exceedingly glad to hear this statement of the Crown Land[s] Commissioner and supposed now that there was a good chance for the prosecution of the North Shore Railroad project. (Laughter.)<sup>112</sup>

The motion was then agreed to.<sup>113</sup>

(202)

*On motion of Mr. Rankin, seconded by Mr. Larwill,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Copy of the*



Report made to the Crown Lands Department by Albert Salter, Esquire, P.L.S., upon the Country bordering upon the North shore of Lake Huron, recently explored by that gentleman.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Wright have leave to bring in a Bill to amend the Act to enable Ministers of the Evangelical Lutheran Church in this Province to solemnize Matrimony, and to keep Registers of Marriages, Baptisms, and Burials.

He accordingly presented the said Bill to the House, and the same was received

(203)

and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. Fournier, seconded by Mr. Meagher,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a Copy of all Correspondence which has passed between the Government of this Province and the Right Honorable the Colonial Secretary, since the date of the last Return entered in the Journals of this House, relative to the Boundary Line between this Province and the Province of New Brunswick, and of all Correspondence which may have passed between the government of this Province and that of New Brunswick on that subject:--Also, Copy of the Instructions given to Joseph Bouchette, Esquire, the Commissioner appointed on behalf of this Province, of all Correspondence which has passed between him and the Commissioners appointed on behalf of the Governments of Great Britain and New Brunswick on that subject; and also, of all Correspondence which may have passed between any of the said Commissioners and the government of this Province; likewise of all Reports relating to the establishment of said Boundary Line, and of all documents in the possession of the Government relating to the said Boundary, or such parts of the said Reports, correspondence and documents as His Excellency may think it expedient to lay before this House; further praying His Excellency to be pleased to cause to be laid before (sic) this House at the same time, a Plan of that part of this Province which lies between Lake Pohenacamerk and the River St. Francis, where it discharges into the River St. John to the west, as far as Cross Point and Campbelltown, in the Bay of Chaleurs, to the east, shewing in a correct manner where the said Boundary Line is now traced, or if it is not now traced where it will be hereafter traced throughout its entire length.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Chabot, seconded by Mr. Alleyn,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, Copies of all the Plans which accompanied the Report of John B. Jarvis, Esquire, in relation to the proposed Caughmawaga Canal; also, Copies of the Plans sent in with the Report of-----Gamble, Esquire, having reference to the same matter; and also, Copies of the Plans which accompanied the Report of Messieurs Maillefert and Raasloff, relative to the improvement of the Rapids in the St. Lawrence.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. INSP. GEN. CAYLEY moved that the House take into consideration the speech of His Excellency the Governor General delivered to both Houses of the Legislature.<sup>114</sup>

MR. BROWN hoped the house would not be asked to proceed with the Estimates, before the Public Accounts of last year were brought down.<sup>115</sup>

MR. INSP. GEN. CAYLEY said that his object was to take the preliminary step of organizing the Committee of Supply, but the Government would not proceed with the Estimates before the Public Accounts were ready.<sup>116</sup>

The motion was then agreed to, and the Clerk read the financial portion of his Excellency's Speech.<sup>117</sup>

(203)

*On motion of the Honorable Mr. Cayley, seconded by the Honorable Mr. Attorney General Macdonald,*

*Ordered, That the Speech of His Excellency the Governor General, delivered to both Houses of the Legislature, be now taken into consideration.*

*The House proceeded accordingly to take the said Speech into consideration. And the same was again read.*

MR. INSP. GEN. CAYLEY moved the adoption of the Governor General's Speech delivered to both Houses of the Legislature; and that the supplies therein mentioned be granted<sup>118</sup> to Her Majesty.<sup>119</sup>

MR. BROWN said he did not think the hon. gentleman was pursuing the usual course.<sup>120</sup>

MR. SICOTTE the SPEAKER said that the Hon. Mr. Cayley should first have moved the House into Committee of the Whole and then submitted to them the resolution he held in his hand.<sup>121</sup>

MR. INSP. GEN. CAYLEY then moved that the House do on Tuesday next, resolve itself into a Committee of the Whole, to take into consideration<sup>122</sup> a motion for a Supply to be granted to Her Majesty. And that the Speech of his Excellency be referred to the same committee.<sup>123</sup>

(203)

*The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Attorney General Macdonald, That a Supply be granted to Her Majesty;*

*Resolved, That this House will, on Tuesday next, resolve itself into a Committee to consider of that Motion.*

*Ordered, That that part of the Speech of His Excellency the Governor General which relates to a Supply, be referred to the said Committee.*

(204)

*Ordered, That Mr. Felton have leave to bring in a Bill to provide for the selection of Jurors by the Municipal Councils in Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That Mr. Felton have leave to bring in a Bill to constitute the Townships of Wickham, Grantham, Simpson, and Wendover into a separate Circuit.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Felton have leave to bring in a Bill to provide for the holding of Sessions of the Peace in the several Circuits in Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*<sup>124</sup>

*Ordered, That Mr. Prévost have leave to bring in a Bill to amend the Lower Canada Municipal and Road Act, and to authorize the organization of the Municipal Council of the Village of St. Jérôme.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*<sup>125</sup>

MR. J.S. MACDONALD (Glengary) then moved that there be a Call of the House for Monday, the 7th of April, on the Seat of Government question. He said that from what had fallen from the Commissioner of Public Works the other day, he inferred that every exertion was being made by the Government to bring down the estimates alluded to in the recent resolution of the house. For he could not believe that in a matter of this kind, where the house had, by implication, if not directly, ordered these estimates to be brought down, the Government would be guilty of any unnecessary delay in yielding to the wishes of the house. Believing then that they would shortly be in possession of information as to the expense of building a Parliament House with the necessary adjuncts at the several places named, he had no hesitation in asking the House to join him in the motion that there should be a Call of the House to take into consideration a second time the necessity for (sic) a permanent Seat of Government.<sup>126</sup> His motion was made in order to give absent members time to arrive here<sup>127</sup>. He did not think the Session was likely to be very long, and it was of importance that that question be settled.<sup>128</sup>

MR. MACKENZIE.--That it is too soon.<sup>129</sup>

MR. J.S. MACDONALD.--No doubt it will be too soon in three years, but it is astonishing that a gentleman who is such an advocate for saving, in all things connected with Legislation, should at this time be the main supporter of the most ruinous and expensive of all systems.<sup>130</sup>

MR. SOL. GEN. H. SMITH said the hon. gentleman appeared to have forgotten that the further consideration of this question had been postponed until in accordance with the motion of the hon. member for Toronto (Mr. Cameron), certain estimates were laid before this House.<sup>131</sup> [He] had always voted for permanency and would do so still, but he wanted to couple that consideration with that of centrality, convenience and economy. The Government were doing everything they could to get the estimates prepared,<sup>132</sup> but to get such estimates was a work of no little time, and he was convinced that the Commissioner of Public Works would not be able to have them ready to lay before the House by the day named. It would therefore, in his opinion, be better that a day was named by which the estimates would be sure to be ready.<sup>133</sup> He thought there was no necessity for hurrying the question forward. If further delayed the inconveniences of travelling might be obviated, and hon. members not now present might come by the steamers. He did not, however, admit the propriety of a Call of the house at all. There had been a Call of the house already, and members were not discharged from it, nor were they performing their duty, if they left the Seat of Government.<sup>134</sup> The notice of the subject being fixed for discussion would



be a sufficient call. He wanted to consider the question in respect, as he said, to economy as well as centrality, and if the consideration was presented it would be found that there was an advantage of 50 per cent in favor of Kingston.<sup>135</sup> But before they came to determine the question of permanency, they must in obedience to their own resolution have such estimates before the house as will induce hon. gentlemen to give their votes, so as to conduce to the best interests of the country.<sup>136</sup>

MR. A. DORION, (Montreal,) said, the hon. gentleman says he wishes permanency, and yet when the motion of permanency came up he voted against it.<sup>137</sup>

MR. SICOTTE the SPEAKER.--Order. The question before the House is, shall there be a call of the House on the 7th of April.<sup>138</sup>

MR. A. DORION.--Well, then, it appears the question is in regard to the time when the estimates will be produced.<sup>139</sup> The Commissioner of Public Works, to whose department these estimates especially belonged stated on behalf of the Government that they would be brought down, if not this week, certainly next week.<sup>140</sup>

MR. COM. PUB. WORKS LEMIEUX.--I said no such thing. I told the House they would be prepared I thought in a few days, but I could not say how many.<sup>141</sup>

MR. A. DORION.--This motion allowed more than a few days. It allowed two weeks. He thought they were perfectly justified in seeking to have a Call of the house on as early a day as possible<sup>142</sup>, in order that they might be able to discuss the question fully before they came to be crowded with business.<sup>143</sup> [He] thought that all the members could be in their places by the 7th of April.<sup>144</sup>

MR. LORANGER thought so too. The estimates had been promised in a few days. If Monday week were not delay enough, they would not come in a few days, but a few weeks. Now, these estimates must be produced, and he hoped there would be no attempt to put them off a few weeks, a few months, and to a few years.<sup>145</sup> But those estimates could be made easily--probable estimates, such as were made every day.<sup>146</sup> There was no necessity to send architects, for every one must know that the cost would be about the same, no matter where the place was fixed--there could be no 50 per cent difference as the Solicitor Gen. West had said.<sup>147</sup> He was confident that they would be before the House at an early day next week.<sup>148</sup>

MR. SOL. GEN. D. ROSS said there was a point of order to be considered, and it was necessary that that point be determined before proceeding further. The motion which had been adopted by the House declared that the further consideration of this question be postponed until certain estimates be brought before the House. If this motion was carried it would be a virtual rescinding of that order. In his opinion they could not proceed to the discussion of that question until these estimates were produced.<sup>149</sup>

MR. AT. GEN. DRUMMOND.--Very solemnly--another evasion,--Mr. Speaker, (hear, hear, and laughter.) Another evasion--another attempt to say that the unmistakeable opinion of this House shall not be carried out this session. (No, no, nothing of the kind.) Now, Sir, the vote taken upon Mr. Gamble's motion showed what the feeling of this House was with regard to a permanent Seat of Government. It showed very satisfactorily that a majority of this House was desirous to get rid of this absurd, ruinous, and immoral system of Government. But their wishes were impeded for a

short time by a motion which declared that the further discussion of this question shall be postponed until estimates have been produced showing the probable expense of constructing Parliament Buildings in Toronto, Kingston, Quebec and Montreal; as if the miserable difference that might happen to exist between the cost of construction of buildings at these various places, would at all affect a question of so much importance to the safety of our archives, and to the dignity and the honour of this House; important to the safety of our archives--because they are constantly exposed to every species of accident in their transit from one place to the other;--of importance to the dignity and honour of this House, because this perambulating system exposes us to the ridicule of the world; and no less important to the morality of the people of Canada, because no man connected with the Government can hope to have a home for himself. He must be a wanderer in the world. He must have a kind of nomadic existence, renouncing all social relations, and be cast off every four years in the midst of strangers, to make new friends and new associations, and without the slightest hope in the world of his ever being able to establish a homestead for himself and his family.--The good sense of this House is convinced that this system must be put an end to, and<sup>150</sup> the house had unmistakeably expressed that opinion by voting down Mr. Gamble's amendment.<sup>151</sup> But the hon. member for Toronto rose and convinced the House that it was necessary these estimates should be brought down before determining upon this question. That hon. gentleman probably thought he was rendering a service to the Government by his motion, because the Government were not united in opinion upon the question; but up to this moment we stand pledged to make this an open question. I do not think, however, that the hon. member for Toronto rendered a service to the Government by his motion--because the immediate result of that motion was to throw upon the Government the responsibility of any necessary delay that might occur in furnishing these estimates. But that responsibility I will not shrink from.<sup>152</sup> [I] might be a bad judge of the time necessary to prepare architectural estimates, but<sup>153</sup> we are bound to produce these estimates, and I believe that they may be furnished easily and without compelling the employes to work at them during the night. I do know that the estimates for public buildings in Toronto are already provided, and are in our possessions, and upon these estimates may be based, a probable calculation as to the cost of constructing Parliament buildings at the various places. I think, with good will, these estimates might be furnished within a fortnight from the date of that motion; and I believe that the Commissioner of Public Works has that good will. He knows they must be produced, and I have full confidence in the interest which the Commissioner of Public Works has in this question. I have no hesitation in suggesting that the call of the House might be extended a very few days longer. I would not wish to tie down my hon. friend to a day; but without casting the slightest reflection upon my colleague, I would say that if these estimates were delayed too long it would be throwing upon my sho[u]lders a serious responsibility which I have no desire to share, but from which I will not shrink. I think the hon. member for Laprairie put the point well. He said if the estimates could not be furnished in a few days--the Commissioner of Public Works might have stated that they could be furnished in a few weeks. I know that he has every desire to furnish these estimates, and will furnish them as early as he can. It is highly important that the decision of this House, pronounced upon Mr. Gamble's motion to postpone the consideration of this question beyond the present Session, should be carried out, and if we wish to carry out that decision, we must not listen for one moment to such a suggestion as that made by my hon. friend the Solicitor General. He rose to show that that motion was out of order; but with all submission, Mr. Speaker, I maintain that the motion is not out of order. We have the assurance of the Commissioner of Public Works that within a few days these

estimates will be produced. Are we to wait until they are produced, and thus be altogether baulked of the discussion. If the estimates are not down upon the day fixed, then in compliance with ... the vote upon the motion of the hon. member for Toronto, we must delay the consideration of the question.<sup>154</sup> [But] there must be no such postponement as would throw the question over for the present session.<sup>155</sup> I would, therefore, suggest that the time for the call of the House be extended for a few days further. I think the navigation may be open by the 9th or 10th, and hon. members who are absent will be enabled more easily to reach the Seat of Government.<sup>156</sup>

MR. SOL. GEN. D. ROSS, insisted upon the point of order.<sup>157</sup>

MR. SICOTTE the SPEAKER read the motion and ruled that it was in order.<sup>158</sup>

MR. BROWN said, what a delightful way the Attorney General East had of showing up the delinquencies of the hon. gentlemen on the other side. If that hon. gentleman had been sitting on the Opposition side, only think what a speech he would have made about the dilatoriness of the Public Departments.<sup>159</sup> That hon. gentleman had turned round to his colleague the Commissioner of Public Works and read him a lecture before the House and before the country, which that hon. Commissioner would not easily forget. As the leader of the Government for Lower Canada he told the hon. Commissioner that it was upon his peril if he did not have these estimates ready. He wished the hon. gentleman was amongst the Opposition, and<sup>160</sup> from the speech the hon. gentleman made the previous night, and that delivered by him this evening, he would ask was there no improbability that some of these fine days the members on his (Mr. Brown's) side of the house might find the hon. Attorney General sitting with them. (Hear, hear.) But with regard to the point at issue, it was astonishing to see how much interest was manifested. The hon. member for Glengary sat there in a perfect state of excitement all the while. (Hear, hear.) In fact, he (Mr. B.) could scarcely sit quiet beside him, for directly anything was said about the Seat of Government, up he would jump.<sup>161</sup> He [Mr. Brown] drew attention to the significant fact that the members most prominent in this matter were from about Montreal.<sup>162</sup> How unjust was the position of hon. gentlemen from Lower Canada in seeking to have the seat of Government taken away from Upper Canada, before it was well established. It was most unfair in the Hon. Attorney General for Lower Canada to stand up, and speak in the manner he had, and especially on a Government night, when the great business of the country should be proceeded with.<sup>163</sup> He thought it unreasonable that the House should again be delayed with this question, and that ... they should be discussing the propriety of a second call of the House to consider a question which they had solemnly declared should be postponed until certain estimates were laid before them.<sup>164</sup> Why thus waste the time of the country, and upon such a pretext as this? He could not really conceive how a call of the house could be sustained. The Attorney General had stated that the house had solemnly declared, that this question of a permanent seat of Government should be settled this session; but had not the honourable gentleman declared the other day, that unless a certain motion was rescinded, the Government would go out? (Hear, hear.) What dependence could be placed on such declarations? (Hear, hear.) Solemn declarations with the government only appeared to be important upon very trivial occasions; but where an important subject was concerned they went for nothing. It was indispensable that the house should have these estimates before it, before it proceeded to consider this question, and it was true, as the Committee (*sic*) for Pub[li]c Works had said, that it would be some time before they could be brought forward. But the country must know where the seat of Government buildings are to



be. When the last call of the house was made, hon. members went away, and so they might do again, and another call of the house would be requisite. It was a ridiculous waste of time altogether.<sup>165</sup> He thought there was no necessity for this call of the House, and apologised for occupying any time by speaking about it.<sup>166</sup>

MR. STEVENSON thought the member for Lambton too hard on the member[s] for Montreal. They always said they wanted nothing but a fixed Seat of Government, and therefore would vote to fix it at Kingston.<sup>167</sup>

MR. INSP. GEN. CAYLEY said the hon. member for Lambton had shown inconsistency in finding fault with the hon. Attorney General East, the Commissioner for Crown Lands, and in his allusion to the hon. mover. What prospect of unity of action on the ministerial side of the house would there be between the hon. members for Lambton and Glengary?<sup>168</sup> [He] made some remarks upon the word Nomadic, which had been applied by Mr. Drummond to the present system, and reading from Webster's Dictionary, said that it meant pastoral, or concerning shepherds--though coming down to some secondary meanings, he found nimble, that perhaps was what was meant. We had a nimble government.<sup>169</sup> He thought that he knew more about estimates for buildings then (sic) did the Attorney General East. It would take a deal of time to arrive at a fair estimate, or even an approximate one. The Board of Works should not be called upon to furnish a loose estimate without due consideration upon its part.<sup>170</sup> Many things had to be considered--for instance; in Montreal there was excellent stone, but he had seen the road so cut up by drawing this stone, as to render the cost very much higher than usual. The difference in the style of the buildings also might make a great difference. Round windows or square windows, would respectively cause much alteration in the estimates.<sup>171</sup> If the hon. member for Glengary pressed for a call of the house for Monday week it might result in this, that when the house assembled there could be no estimates of any value laid before it. He would suggest, as a substitution, the delay of a call of the house for six weeks.<sup>172</sup>

MR. MURNEY ridiculed the positions taken by the Attorney General East and the Inspector General. He thought that the hon. gentleman should withdraw his motion.<sup>173</sup> [He] could see no necessity for this vote, as the opinion of the House had been tested already, and decided for permanency.<sup>174</sup> Is (sic) was unfair to these hon. members now present and those who might be desirous to go away, to urge it in this manner.<sup>175</sup>

MR. COM. PUB. WORKS LEMIEUX ... [said] that detailed estimates could not come down in less than 4 or 5 months--but a certain kind of estimate might be brought down next week.<sup>176</sup>

MR. PATRICK suggested the propriety of an extension of time, and ultimately moved in amendment<sup>177</sup> "that the 14th of April be substituted in the place of the day named in the original motion."<sup>178</sup>

MR. J.S. MACDONALD consented to make the change.<sup>179</sup>

MR. CAMERON wished to know whether there was a chance of the estimates being ready by that time.<sup>180</sup>

MR. COM. PUB. WORKS LEMIEUX was unable positively to say.<sup>181</sup>

MR. PATRICK made some rambling remarks.<sup>182</sup>

MR. POWELL stated that, to meet his peculiar views, the first of April should be substituted. He condemned the practice of putting the question off from time to time.<sup>183</sup> [He] thought that it was absolutely necessary the Government should take some decisive step in the matter, and it was absurd to postpone the matter even to the 14th of April, when hon. members would all be at their homes. The hon. Inspector General had treated the subject with levity, and he was sorry to see it. The Government should not deceive the people. And the hon. member for Toronto's motion was a mere clap-trap one. (Order, order.)<sup>184</sup>

MR. CAMERON remarked, that when the question was formerly before the House, Mr. Drummond opposed it on the ground that the estimates could take a long time,-- then after the motion was carried, the same hon. gentleman said he would do his best to have the estimates brought down speedily. How speedily was intended the present motion shewed.<sup>185</sup> The responsible gentleman in this matter for any delinquency was the Commissioner of Public Works, and that hon. gentleman wanted five or six months to furnish the requisite estimates, but he had not told the house that he could furnish them with any approximate estimates even at the extended period which the hon. member for Glengary had named. None other but a fair estimate would be of any value to the country at all. If the house had to wait some weeks for the information to come down, it was better to have a discussion without any call of the house at all. (Hear, hear.)<sup>186</sup>

MR. J.S. MACDONALD believed that if the Inspector General had occupied himself in the cost of the two systems, instead of jokes about the etymology of the word "nomadic," it would have been more worthy of him, and more satisfactory to the country.<sup>187</sup> The Government tried to evade the question. They could not manage to get down the estimates, nor could they find out from their colleagues when they were coming down. There was no confidence between the Government and their supporters. And that house was not going to stand upon the consideration of an outlay of 20,000L. Let an estimate be formed, if it were within 50,000L even, and the country be made aware of the estimated cost.<sup>188</sup> The estimate could readily be brought down in five days. There were lands everywhere belonging to the Government, so that the price of land made no difference anywhere. Plans had already been prepared for Toronto, which would answer in one place as well as another. If there were any difference in wages since that plan was made, that could easily be calculated.<sup>189</sup> He had no objection to side with the motion of the hon. member for Grenville for a call of the house for the 14th of April, when he really hoped the question would be gone into and settled.<sup>190</sup> [He] thought an end should at once be put to the present system; instead of putting off the question from day to day on every flimsy pretext. If the perambulating system were to prevail, they ought to be apprised of it. If a permanent Seat of Government were to be decided on, the country could not know it a day too soon.<sup>191</sup> There was another mode in which the subject might be disposed of in any alternative, namely, to address her most gracious Majesty to decide where the permanent Seat of Government should be, and he felt assured that the selection of the Sovereign would give the best satisfaction to the country. (Hear, hear.)<sup>192</sup>

MR. ROBLIN thought it had been perfectly understood that the question of a permanent Seat of Government was to remain in abeyance until the estimates were brought down.<sup>193</sup> There had been no time to prepare estimates at present, but when they came down he would be found to yield to no one, as his desire was for a Seat of Government in one fixed place. He would vote for that--and Kingston is the place.<sup>194</sup>

MR. AT. GEN. DRUMMOND said that perhaps his hon. friend, (Mr. Roblin), was not aware that the Government had now in their possession full estimates<sup>195</sup> and specifications for the public buildings for Toronto, and the only thing required was, to make out a statement of the probable difference that might take place in the cost now, and since they were made. (Hear, hear.)<sup>196</sup> They had also grants of land in the various cities proposed as Seats of Government.<sup>197</sup>

MR. CAMERON said that in addition to what the Attorney General had just stated, he might also have added, that there was a vote of 60,000L given by the House previously, for the very purpose of the erection of the buildings at Toronto, which had never been expended.<sup>198</sup>

MR. SOL. GEN. H. SMITH said that the estimate alluded to was made at a time when labour was much cheaper than at present, (Oh, oh,) and that the building which was then intended to be put up was only to accommodate eighty-four members, and not at all adapted to the wants of the country, and the whole of those estimates had been condemned.<sup>199</sup>

MR. AT. GEN. DRUMMOND said it was quite the contrary, for that these buildings were constructed in view of an increase in the representation. (Hear, hear.)<sup>200</sup>

The motion that there be a Call of the House for Monday the 14th April next, was then put and carried by a majority of four.<sup>201</sup>

(204)

*The Honorable John Sandfield Macdonald moved, seconded by Mr. Antoine Aimé Dorion, and the Question being put, That a Call of the House be made on Monday the fourteenth day of April next; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Bell, Brodeur, Bureau, Cartier, Cauchon, Cooke, Charles Daoust, Jean B. Daoust, Darche, Delong, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferrie, Thomas Fortier, Gill, Guévremont, Holton, Labelle, Laberge, Laporte, LeBoutillier, Loranger, Lyon, John S. Macdonald, Roderick McDonald, McCann, Marchildon, Mongenais, Papin, Patrick, Poulin, Powell, Prévost, Price, Rankin, Rhodes, Sanborn, Shaw, Somerville, Terrill, Valois, and Whitney.--(48.)*

NAYS.

*Messieurs Aikins, Alleyn, Bellingham, Biggar, Brown, Cameron, Cayley, Chabot, Chapais, Christie, Church, Clarke, Conger, Cook, Crysler, Daly, Dionne, Evanturel, Octave C. Fortier, Fournier, Frazer, Gould, Hartman, Jackson, Larwill, Lemieux, Lumsden, Attorney General Macdonald, Mackenzie, Matheson, Joseph C. Morrison, Angus Morrison, Munro, Pouliot, Roblin, Rolph, Solicitor General Ross, Scatcherd, Solicitor General Smith, Southwick, Spence, Stevenson, Taché, and Wright.--(44.)*

*So it was resolved in the Affirmative.*

MR. CAMERON brought in a bill to consolidate and amend the Acts conferring a Charter on the Bank of Upper Canada. He was very glad to be able to lay before the hon. member for Haldimand a printed copy of the bill.<sup>202</sup>



(205)

*Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to consolidate and amend the Acts constituting the Charter of the Bank of Upper Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*<sup>203</sup>

*Ordered, That Mr. Larwill have leave to bring in a Bill to detach the Township of Euphemia, and part of the Townships of Sombra and Dawn, from the County of Lambton, and annex the same to the County of Kent.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

DR. CLARKE moved to refer the petition of Skeffington Connor, L.L.D., and others to a special committee to be composed of the Honourable Messrs. J.A. Macdonald and Cameron, Messrs. Brown, Fergusson, J.C. Morrison, Church, and the mover, with power to send for persons and papers, and to report thereon.<sup>204</sup>

MR. HOLTON thought that this was a very extraordinary motion; and one that should not be granted.<sup>205</sup> [He] thought the Government should state what their views were in reference to this matter, as he believed the motion looked to an entire change in the constitution of University College, which had always been dealt with as a Government Institution.<sup>206</sup>

MR. AT. GEN. J.A. MACDONALD said the matter was left peculiarly on his hands, and his colleagues had thought it advisable to allow the Committee to be struck to consider the whole question. He being placed on that Committee, the motion was made on the consent and understanding of the Government.<sup>207</sup> He understood that this was a petition from Dr. Connor and others, who were formerly Professors of Law and Professors of Medicine in the old University of King's College. By an Act of Parliament the faculties of Law and Medicine in the University had been abolished, and this was a petition that those faculties should be restored. It was true that the Government were closely connected with the University, more closely than he thought they should be, but they were not in possession of sufficient information to enable them to say whether under all the circumstances those faculties should be restored. His present impression was that there was no good reason why they should not be restored, but the government were of opinion that the best course was that moved by the hon. member, to have a committee struck, who would collect information, and give in a report, on which the government and the house might take action.<sup>208</sup> His hon. friend from Montreal had said that this was a most extraordinary motion; but had he reflected a moment he would have been convinced that such was not the case.<sup>209</sup> This (*sic*) had been the course taken in England by the appointment of committees in reference to the governance and reformation of the Universities of Oxford and Cambridge, and also of the Scottish Universities.--He understood another petition was to be presented<sup>210</sup> to that House, which he hoped would be also referred to the same committee. The petition he referred to prayed<sup>211</sup> the appointment of certain Examiners, who if called upon might deliver lectures at the University as a part of their duties, and who would also examine candidates for license to the medical profession, that it might not be flooded with improper parties.<sup>212</sup> In conclusion, the hon. gentleman expressed himself in favor of the appointment of the committee.<sup>213</sup>

MR. A. DORION, of Montreal, blamed the Government for allowing an independent member of the House to take this matter out of their hands.<sup>214</sup>

MR. AT. GEN. J.A. MACDONALD ... [reiterated] that the motion had been made with the consent of the Government.<sup>215</sup>

MR. A. DORION would wish the statement to have been made sooner. He thought the proper course of the Government would have been to have taken the responsibility of asking the appointment of the Committee on themselves.<sup>216</sup>

MR. AT. GEN. J.A. MACDONALD said that such was not the English practice; and he was almost certain that none of those Committees had been appointed by the Government.<sup>217</sup>

MR. COM. CR. LANDS CAUCHON explained that the intention of the Government was to elicit facts on which a report could be founded, and action taken.<sup>218</sup>

MR. CAMERON thought it very desirable that such a committee should be appointed.<sup>219</sup> Last session, when he brought up the question, the government expressed their willingness to take action upon it, but now, they said they wanted information before they would act. He was satisfied to take the information offered, but he did not think the motion went far enough. He would like to see the method of managing the funds of the institution inquired into. He believed that the old system of management was better than the new. He would also desire to make inquiry into the hardships suffered by the late medical professors who had been dismissed with only nine months' salary. In one case, that of Dr. King, he was informed that his labours in the University had been the cause of much recent suffering, and yet he had been turned out without adequate provision. Other professors had abandoned their practice in order to attend to their classes, and how had they been paid?<sup>220</sup>

MR. J.S. MACDONALD opposed the appointment of the committee as, if appointed, they would unquestionably report in favor of the restoration of those faculties.<sup>221</sup> The people generally knew little of University College. They only knew that there were certain sets of officers and students who absorbed a great deal of public money. They had made changes in it, but it gave as little satisfaction as ever. When the faculties of law and medicine were abolished, they had good reason shown to them for doing so, and they had none now for restoring them. (Cries of "Oh!") As to Dr. King's case and those of the other professors, the member for Niagara had in a former session made statements which showed how badly the duties of the medical professors were performed. He then proceeded to blame the government for not taking up the subject themselves; they had all the necessary information within reach, and if they had chosen, might have issued a commission to take evidence.<sup>222</sup>

MR. J. MORRISON said that he was not in favour of restoring the faculty of law and medicine to the College, but he was prepared to consider the propriety of establishing a medical and law school in connection with the institution, and he therefore would vote for the motion. He believed that if ... the medical professors had not formed part of the governing body, it would never have been abolished.<sup>223</sup>

DR. CLARKE said that the feeling of the country was that something should be done, and he hoped that the House would now grant the committee. The hon. member for Glengarry was not stating the case right, when he said the matter was not an important one.<sup>224</sup> The member for Glengarry treated this as he did every other question in a petty spirit, trying to excite local jealousies. He called this a Toronto job, but it was not so, not one-twentieth of the students of the College belonged to Toronto. He had no improper motive in introducing the resolution, no desire to interfere with

private schools, or chartered colleges. He wanted to take evidence from all parties, and endeavour to adopt a course which would reconcile all contending interests. In conclusion he remarked that there was a much deeper feeling on the subject than the member for Glengary imagined.<sup>225</sup>

MR. BROWN said the question before the house was one, in his opinion, of the very greatest importance, and he was glad to find that there was a disposition on the part of hon. members to take the same view of it as he took in 1853, and had always taken. He believed that in 1853 he stood along with the Commissioner of Crown Lands, in contending that if they were to have a National University in Canada at all, they must have all the three faculties of arts, law, and medicine connected with it--and that it would be impossible to get students to come for the Arts to one institution, while they had to go for the practical parts of these professions to other institutions. He had contended that the effect of the Bill introduced in 1852 would be to destroy the National Institution and to send away a great proportion of the students to the Sectarian Colleges, or to private lecturers. And so it had turned out--not that the students at the University had not increased, for, he believed that they had increased, but not in the same ratio they would have done, had all the three faculties been maintained. But he believed the result of the Bill had been to build up other institutions at the expense of the National University, while, if they had left those two faculties, and at the same time carried out some of the Reforms which had been made in the University, he had no doubt there would have been a much larger number of students attending it now. He clung with very strong feelings to that National University. He had no sympathy with the sentiments expressed by his hon. friend from Glengary in regard to it, and he regretted that that hon. gentleman should look upon it as a mere question of pounds, shillings, and pence. He considered that the position Upper Canada had always taken on the question of education, seeking as she had to extend the benefits of education to all classes, was one of the noblest features in our history; and he thought no one could look back to the early arrangements made for providing a liberal education for the youth of Canada, without feeling a high respect for the public men who guided the affairs of this Province at that time--and it would be very much to be regretted if at this time of day we should ignore the proceedings taken fifty years ago for the establishment of a High National School, worthy of the Province, which would bring together the intellect of the country, and bring the highest intellect from other countries--which would bring together the most talented of the young men of Canada, and afford them those advantages which are obtained in the National Universities of other countries. It would be much to be regretted, if, for the paltry consideration of expense, and because in some parts of the country, perhaps, the benefits of University education were not so highly prized as might be desirable, they should proceed to destroy the only great institution of learning established by the people of Upper Canada. He did not, however, wish it to be supposed that he had any sympathy with the learned member for Toronto, in his idea that the Professors who were formerly in the medical and law faculties of the old University, had any claim for further compensation upon the country. He did not believe they had. Ample provision had already been made for them; and if the result of the labours of this Committee, or of any proceeding of the Government, should be to restore those two faculties to the University, he did hope that the Professorships would be thrown open for competition to the whole public--(hear, hear)--that the filling up of the chairs would not be shackled in any way by the claims of the old Professors. He believed that by their own conduct, in a great measure, they had brought the bill of 1853 upon themselves. It was to be regretted that the pecuniary management of the institution had ever been left in the hands of the professors. There was another



point to which he must allude. There was no doubt that, since the question was before the House in 1853, it had become somewhat embarrassed by new schools having risen up. They had now Trinity School, and another excellent independent school in this city, connected with Victoria College--and an excellent school at Kingston, connected with Queen's College. These had risen, since that period, to the high position they now occupied; and they must feel that, in restoring the two Faculties to the University, they interfered with the position which those institutions had obtained. He felt considerably embarrassed by that circumstance--especially when he looked round and saw many of his hon. friends who sympathized with those schools. But he was sure they would not impute to him any personal feeling in the matter. (Hear, hear.) He treated it purely as a question of principle, in dealing with which they should be influenced by a sense of duty to their country, and not by any personal considerations. (Hear, hear.) They must look at the matter in this light--how they could best educate the people of the country--how they could best raise the system of education to the highest attainable point; and he held that that could only be done by national schools on a broad and liberal basis. Indeed, it was now an admitted principle, that national education was the most successful. We had National Common Schools, and Grammar Schools--why, then, should we not also have a National University to complete the system? And it was not to be denied that a National University could not be successfully maintained, unless all the three Faculties were embraced in it. (Hear, hear.) His hon. friend from Glengary put the question into his hands--"Ought not the Government to have taken the matter up?" Undoubtedly. He quite agreed with the hon. member for Montreal, that it was from the Government this motion should have proceeded. They knew all the evils of the existing system. Since 1853, they had taken the whole management of the institution into their own hands, knew exactly its position, and were in a condition to come down and tell the house what was advisable to be done. (Hear, hear.) He did not think they had shown independent and proper spirit in the matter which they should have done. With regard to the committee, however, as it was a step in the direction he had always desired they should proceed in, he could offer no objection to it, and only hoped that the result of its labours would be to throw a great deal of light on the subject, which would convince his hon. friend from Glengary and others that this was not a Toronto matter, but one in which all the people of the Province were deeply interested, and in regard to which as a legislature they ought to feel a deep responsibility resting upon them. (Hear, hear.) There was another consideration that ought to have weight too. If they depended entirely on private schools, they would be distributed over the whole Province; there would be a number of them, and the question was, whether a sufficient number of professors of high standing for all those separate institutions could be obtained by private competition, or whether the direct effect would not be to lower the standard of education.--(Hear, hear.) They might in Toronto, Montreal, and Kingston, but he doubted if it would be possible to sustain in other places, a sufficient number of good professors, for an effective school.--Nay, was it not yet doubtful if it could be done in these cities? Even in Montreal, what was the position of matters? They had McGill College, an admirable institution, one that had a fair claim on the support of the Province, which should be placed in a parallel position with Toronto University, and towards which he for one was prepared to vote any necessary sum to place it on that footing. But they had the managers of Magill (sic) College coming to the Legislature, and telling them that, with all their private endowments, with all the advantages of being situated in an old city like Montreal, in the midst of an old settled population like that of Lower Canada--they were yet unable to sustain (sic) themselves without an increased endowment--that, instead of being able to establish additional chairs that were required, they could not even keep in existence some of the chairs which [they] now

had. (Hear, hear.) Was not that a proof that high professional education could not be effieciently (sic) carried out if left to private competition? (Hear, hear.) He trusted the committee would consider the matter candidly and earnestly; and, if the result of their labours was placed before the kouse (sic) in a proper light, and the evidence duly weighed, he sincerely believed that the house would reverse its former decision, and restore the abolished faculties to the University. (Hear, hear.)<sup>226</sup>

MR. AT. GEN. J.A. MACDONALD, in reply to the remarks of the member for Toronto, said the Government according to their promise, had taken up the subject immediately after the session closed, and a committee of the Executive had been appointed to confer with a committee nominated by the University Senate. The whole question of the governance, endowment, and management of the University had been brought under consideration, and an elaborate memorandum in regard to these points had been prepared by one of the Senate Committee. The Government had no desire to avoid any responsibility in the matter, but they had not thought it well that those general questions should be submitted to the committee moved for by the member for Wellington. The committee would receive evidence on the question of the restoration of the two faculties to the University. He was aware that outside of Toronto there was a good deal of feeling against the restoration of those faculties. He could not say that he coincided in that feeling. Like the member for Lambton, he did not look upon it as a Toronto question, but as a question whether a Provincial Institution should not embrace all the branches of professional learning.<sup>227</sup> He hoped the committee would be appointed and be enabled to get sufficient evidence to make a satisfactory report to the House, on which action might be at once taken.<sup>228</sup>

MR. MACKENZIE characterized the Institution as a University without Scholars. From its establishment down to the present time, it had been becoming worse and worse. He would not object to the appointment of the committee; but expected no good would result from it.<sup>229</sup>

A discussion here ensued as to the formation of the committee<sup>230</sup>.

MR. CHRISTIE moved, seconded by MR. HARTMAN, that the name of Dr. Southwick be added to the committee.<sup>231</sup>

The motion was agreed to, the names of Drs. Rolph and Southwick being added to the list of the Committee.<sup>232</sup>

(205)

*Resolved, That the Petition of Skeffington Connor and others, late Professors in the Faculties of Law and Medicine in the University of Toronto, be referred to a Select Committee, composed of Mr. Clarke, the Honorable Mr. Attorney General Macdonald, the Honorable Mr. Cameron, Mr. Brown, Mr. Fergusson, Mr. Joseph Curran Morrison, Mr. Church, the Honorable Mr. Rolph, and Mr. Southwick, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.*

On motion of DR. FRAZER,<sup>233</sup>

(205)

*A Bill to facilitate the disuniting of the Counties of Lincoln and Welland, and to erect the latter into an independent Municipality for Judicial and other purposes, was, according to Order, read the third time.*

*Resolved, That the Bill do pass, and the Title be, "An Act to facilitate the disuniting of the Counties of Lincoln and Welland, and for other purposes therein mentioned."*

*Ordered, That Mr. Frazer do carry the Bill to the Legislative Council, and desire their concurrence.*

*Then, on motion of Mr. Patrick, seconded by Mr. Loranger.  
The House adjourned until Monday next.<sup>234</sup>*



APPENDIX: 28 MARCH 1856.

[QUESTION AND ANSWER RE: LUNATIC ASYLUM, TORONTO.]

DR. CLARKE made an enquiry of the Ministry, relative to the resignation of the Commissioners of the Lunatic Asylum, Toronto, and the causes which led to such resignation?<sup>235</sup>

MR. AT. GEN. J.A. MACDONALD replied that the cause of the resignation of the Commissioners of the Lunatic Asylum was stated in their report, and if it was desired to have this laid before the house, the Government had no objection to bring it down.<sup>236</sup>

[QUESTION AND ANSWER RE: MUNICIPAL AND ROAD ACT.]

MR. BOURASSA enquired of the Ministry, whether it is the intention of the Government to distribute to the officer appointed to carry out the Road Act, copies of that part of the Municipal and Road Act of 1855 having reference to roads, through the intervention of the different Municipal Counties in Lower Canada?<sup>237</sup>

MR. AT. GEN. DRUMMOND replied in the affirmative.<sup>238</sup>

[QUESTION AND ANSWER RE: SEAMEN AT PORT OF QUEBEC.]

MR. ALLEYN enquired of the Ministry, whether it was their intention to make any alterations in the Act regulating the shipping of seamen at the Port of Quebec.<sup>239</sup>

MR. AT. GEN. DRUMMOND said the matter was under the consideration of the Government at the present time.<sup>240</sup>

[QUESTION AND ANSWER RE: DIVISION LINE BETWEEN LOWER AND UPPER CANADA.]

MR. MCCANN wished to know from the Ministry, whether it was their intention to introduce a bill, during the present Session, to establish the Division Line between Upper and Lower Canada.<sup>241</sup>

MR. AT. GEN. DRUMMOND.--The Government ought to be able to do so.<sup>242</sup>

[WITHDRAWN MOTION RE: KEEPING OF THE JOURNALS.]

MR. MACKENZIE moved that the Clerk be directed to cause the Journals to be compiled in the vernacular language, leaving out a variety of Latin words, dates, sentences, and names of days and months, and substituting instead a language known to the body of the people. He contended that<sup>243</sup> it was bad enough not to be able to understand what the hon. gentlemen said in English and French without mixing up a third language.<sup>244</sup> There was no use for all this Latin in the Journals, as if they were only to be read by Doctors and Lawyers. There was none of that pretension to be found in the Journals of Lower Canada, nor of the Upper Canada Journals in olden times.<sup>245</sup>

[The motion was] seconded by MR. DARCHE.<sup>246</sup>

MR. AT. GEN. DRUMMOND regretted that the hon. member for Haldimand should waste the great powers of his mind in such very small matters, because he did not think it

was a matter of very great importance whether the heading of the Journals was in Latin or in any other language.<sup>247</sup> We have a dozen vernacular tongues in the Province, and the hon. member should specify what he considered the vernacular tongue.<sup>248</sup> He thought as the notice stood upon the paper, that the intention of the hon. gentleman was to abolish the French language. But now it seems he only objects to the few words of Latin that are used on the headings of the Journals. He thought that this matter might very properly be left with the Speaker.<sup>249</sup>

MR. MACKENZIE procured a dictionary and informed the House of the meaning of the vernacular tongue. He then withdrew his motion.<sup>250</sup>

FOOTNOTES: 28 MARCH 1856.

1. GLOBE, 29 March 1856.
2. TORONTO DAILY LEADER, 29 March 1856.
3. GLOBE, 29 March 1856.
4. TORONTO DAILY LEADER, 29 March 1856.
5. GLOBE, 29 March 1856.
6. TORONTO DAILY LEADER, 29 March 1856.
7. GLOBE, 29 March 1856.
8. TORONTO DAILY LEADER, 29 March 1856.
9. GLOBE, 29 March 1856.
10. IBID.
11. TORONTO DAILY LEADER, 29 March 1856.
12. GLOBE, 29 March 1856.
13. IBID.
14. TORONTO DAILY LEADER, 29 March 1856.
15. IBID.
16. GLOBE, 29 March 1856.
17. TORONTO DAILY LEADER, 29 March 1856.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. GLOBE, 29 March 1856.
25. TORONTO DAILY LEADER, 29 March 1856.
26. TORONTO DAILY LEADER, 29 March 1856. This short debate, footnotes 26 to 33, was edited following the sequential order of motions reported in this newspaper. Mr. Cameron presented this Bill again later in the day, accompanied by a sarcastic remark towards Mr. Mackenzie (see footnote 202).
27. TORONTO DAILY LEADER, 29 March 1856.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. TORONTO DAILY LEADER, 29 March 1856. This short discussion, footnotes 34 to 37, was edited following the sequential order of motions reported in this newspaper. Mr. J.S. Macdonald brought up his motion for a Call of the House again later in the day, which motion gave rise to a lengthy debate (see pages 946 to 952).
35. TORONTO DAILY LEADER, 29 March 1856.
36. IBID.
37. IBID.
38. According to TORONTO DAILY LEADER, 29 March 1856, this Bill was "ordered to be read a second time on Monday." GLOBE, 29 March 1856, however, concurs with the JOURNALS.
39. GLOBE, 29 March 1856.
40. MONTREAL GAZETTE, 31 March 1856.
41. GLOBE, 29 March 1856.
42. TORONTO DAILY LEADER, 29 March 1856.
43. MORNING CHRONICLE, 2 April 1856.



44. TORONTO DAILY LEADER, 29 March 1856.
45. GLOBE, 29 March 1856.
46. MONTREAL GAZETTE, 31 March 1856.
47. GLOBE, 29 March 1856.
48. TORONTO DAILY LEADER, 29 March 1856. MONTREAL GAZETTE, 31 March 1856, differs from this newspaper as well as from GLOBE, 29 March 1856, in reporting that Mr. Macdonald stated that "only one policeman for a certain number of inhabitants would be made chargeable on the local corporation for such a number of inhabitants as that House should decide at any of those places".
49. GLOBE, 29 March 1856.
50. IBID.
51. IBID.
52. TORONTO DAILY LEADER, 29 March 1856.
53. GLOBE, 29 March 1856.
54. MONTREAL GAZETTE, 31 March 1856.
55. TORONTO DAILY LEADER, 29 March 1856.
56. GLOBE, 29 March 1856.
57. TORONTO DAILY LEADER, 29 March 1856.
58. MONTREAL GAZETTE, 31 March 1856.
59. TORONTO DAILY LEADER, 29 March 1856.
60. IBID.
61. MONTREAL GAZETTE, 31 March 1856.
62. TORONTO DAILY LEADER, 29 March 1856. GLOBE, 29 March 1856, differs from this newspaper as well as from MONTREAL GAZETTE, 31 March 1856, and reports that Mr. Macdonald replied, "that it was not set down in the Bill at this moment."
63. TORONTO DAILY LEADER, 29 March 1856.
64. MORNING CHRONICLE, 2 April 1856.
65. MONTREAL GAZETTE, 31 March 1856.
66. TORONTO DAILY LEADER, 29 March 1856.
67. GLOBE, 29 March 1856.
68. MONTREAL GAZETTE, 31 March 1856.
69. TORONTO DAILY LEADER, 29 March 1856.
70. GLOBE, 29 March 1856.
71. MONTREAL GAZETTE, 31 March 1856.
72. GLOBE, 29 March 1856.
73. IBID.
74. MONTREAL GAZETTE, 31 March 1856.
75. GLOBE, 29 March 1856.
76. MONTREAL GAZETTE, 31 March 1856.
77. GLOBE, 29 March 1856.
78. GLOBE, 29 March 1856. Commentaries on the Police Bill are reported in GLOBE, 31 March 1856, MONTREAL TRANSCRIPT, 2 April 1856, MONTREAL GAZETTE, 3 April 1856, HAMILTON SPECTATOR SEMI-WEEKLY, 9 April 1856, and MORNING CHRONICLE, 12 April 1856.
79. GLOBE, 29 March 1856. The debate on this withdrawn motion was edited following the sequential order of motions reported both in this newspaper and in TORONTO DAILY LEADER, 29 March 1856.
80. MONTREAL GAZETTE, 31 March 1856.
81. GLOBE, 29 March 1856.
82. IBID.
83. MONTREAL GAZETTE, 31 March 1856.
84. GLOBE, 29 March 1856.
85. TORONTO DAILY LEADER, 29 March 1856.

86. TORONTO DAILY LEADER, 29 March 1856.
87. MONTREAL GAZETTE, 31 March 1856.
88. GLOBE, 29 March 1856.
89. MONTREAL GAZETTE, 31 March 1856.
90. GLOBE, 29 March 1856. MONTREAL GAZETTE, 31 March 1856, concludes its report with a note to the effect that "a portion of the Hon. Inspector General's remarks respecting the drain of gold was inaudible."
91. TORONTO DAILY LEADER, 29 March 1856.
92. MONTREAL GAZETTE, 31 March 1856.
93. GLOBE, 29 March 1856.
94. IBID.
95. MONTREAL GAZETTE, 31 March 1856.
96. GLOBE, 29 March 1856.
97. MONTREAL GAZETTE, 31 March 1856.
98. GLOBE, 29 March 1856.
99. TORONTO DAILY LEADER, 29 March 1856.
100. MONTREAL GAZETTE, 31 March 1856.
101. TORONTO DAILY LEADER, 29 March 1856.
102. IBID.
103. IBID.
104. GLOBE, 29 March 1856.
105. TORONTO DAILY LEADER, 29 March 1856.
106. GLOBE, 29 March 1856.
107. IBID.
108. TORONTO DAILY LEADER, 29 March 1856.
109. GLOBE, 29 March 1856. MONTREAL GAZETTE, 31 March 1856, reports that Mr. Cauchon stated, in reference to Mr. Salter's report, that "the survey was not yet completed, but his line was run from the foot of Lake Miss.... to Sault St. Marie." The ellipsis in this quotation is replicated as per this report.
110. GLOBE, 29 March 1856.
111. IBID.
112. MONTREAL GAZETTE, 31 March 1856.
113. GLOBE, 29 March 1856.
114. TORONTO DAILY LEADER, 29 March 1856.
115. GLOBE, 29 March 1856.
116. IBID.
117. IBID.
118. TORONTO DAILY LEADER, 29 March 1856.
119. IBID.
120. IBID.
121. TORONTO DAILY LEADER, 29 March 1856. In its synopsis of debates, this newspaper reports a different statement, as follows: "The Speaker decided that the motion should first be printed, and that then the House should take it into consideration."
122. TORONTO DAILY LEADER, 29 March 1856.
123. GLOBE, 29 March 1856. This newspaper also reports the following information regarding Mr. Cayley's motion to grant a supply to Her Majesty: "A good deal of discussion followed as to the nature of the next motion that should be made by the Inspector General. Finally, after the Speaker had stated the Parliamentary practice, the Inspector General moved ... [accordingly]".
124. According to TORONTO DAILY LEADER, 29 March 1856, this Bill was ordered "to be read a second time on Wednesday next."

125. According to TORONTO DAILY LEADER, 29 March 1856, this Bill was ordered "to be read a second time on Thursday."
126. GLOBE, 29 March 1856.
127. TORONTO DAILY LEADER, 29 March 1856.
128. IBID.
129. MONTREAL GAZETTE, 31 March 1856.
130. IBID.
131. TORONTO DAILY LEADER, 29 March 1856.
132. MORNING CHRONICLE, 2 April 1856.
133. TORONTO DAILY LEADER, 29 March 1856.
134. GLOBE, 29 March 1856.
135. MONTREAL GAZETTE, 31 March 1856.
136. HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1856.
137. TORONTO DAILY LEADER, 29 March 1856.
138. IBID.
139. IBID.
140. GLOBE, 29 March 1856.
141. TORONTO DAILY LEADER, 29 March 1856.
142. GLOBE, 29 March 1856.
143. TORONTO DAILY LEADER, 29 March 1856.
144. IBID.
145. MONTREAL GAZETTE, 31 March 1856.
146. GLOBE, 29 March 1856.
147. MONTREAL GAZETTE, 31 March 1856.
148. TORONTO DAILY LEADER, 29 March 1856.
149. IBID.
150. IBID.
151. GLOBE, 29 March 1856.
152. TORONTO DAILY LEADER, 29 March 1856.
153. MONTREAL GAZETTE, 31 March 1856.
154. TORONTO DAILY LEADER, 29 March 1856.
155. MONTREAL GAZETTE, 31 March 1856.
156. TORONTO DAILY LEADER, 29 March 1856.
157. IBID.
158. IBID.
159. GLOBE, 29 March 1856.
160. TORONTO DAILY LEADER, 29 March 1856.
161. GLOBE, 29 March 1856.
162. TORONTO DAILY LEADER, 29 March 1856.
163. GLOBE, 29 March 1856.
164. TORONTO DAILY LEADER, 29 March 1856.
165. GLOBE, 29 March 1856.
166. MONTREAL GAZETTE, 31 March 1856.
167. MONTREAL GAZETTE, 31 March 1856. GLOBE, 29 March 1856, simply reports that "Mr. Stevenson was perfectly inaudible in a few remarks that he appeared to give utterance to."
168. GLOBE, 29 March 1856.
169. MONTREAL GAZETTE, 31 March 1856. TORONTO DAILY LEADER, 29 March 1856, reports that Mr. Cayley "made some humorous remarks upon the word--nomadic--which Mr. Attorney General Drummond had made use of to describe the present Government. The hon. gentleman read from Webster's Dictionary the several shades of meaning attached to the word, and commented upon each of them--to the general amusement of the House--as applicable to perambulatory government." GLOBE,



29 March 1856, reports similar information, concluding that "a Nomadic Government he construed, therefore, to mean a 'Nimble Government,' the mention of which excited some merriment in the house."

GLOBE, 29 March 1856, reports a short commentary on the differences of opinion expressed on the subject of the Seat of Government by certain members of the Government, such as Messrs. Lemieux, D. Ross, and Drummond, who openly opposed each other in the course of this debate.

170. GLOBE, 29 March 1856.
171. MORNING CHRONICLE, 2 April 1856.
172. GLOBE, 29 March 1856.
173. IBID.
174. MONTREAL GAZETTE, 31 March 1856.
175. GLOBE, 29 March 1856.
176. MONTREAL GAZETTE, 31 March 1856. This newspaper "understood" him to give this statement as he spoke "rather indistinctly". This is the only source available for Mr. Lemieux's speech.
177. TORONTO DAILY LEADER, 29 March 1856.
178. GLOBE, 29 March 1856.
179. MORNING CHRONICLE, 2 April 1856. MONTREAL GAZETTE, 31 March 1856, mistakenly reports that Mr. J.A. Macdonald made this statement.
180. TORONTO DAILY LEADER, 29 March 1856.
181. IBID.
182. IBID.
183. IBID.
184. GLOBE, 29 March 1856.
185. MONTREAL GAZETTE, 31 March 1856.
186. GLOBE, 29 March 1856. TORONTO DAILY LEADER, 29 March 1856, reports that Mr. Cameron spoke "at much length".
187. MONTREAL GAZETTE, 31 March 1856.
188. GLOBE, 29 March 1856.
189. MONTREAL GAZETTE, 31 March 1856.
190. GLOBE, 29 March 1856.
191. TORONTO DAILY LEADER, 29 March 1856.
192. GLOBE, 29 March 1856.
193. TORONTO DAILY LEADER, 29 March 1856.
194. MONTREAL GAZETTE, 31 March 1856.
195. TORONTO DAILY LEADER, 29 March 1856.
196. GLOBE, 29 March 1856.
197. TORONTO DAILY LEADER, 29 March 1856.
198. GLOBE, 29 March 1856.
199. IBID.
200. IBID.
201. TORONTO DAILY LEADER, 29 March 1856. GLOBE, 29 March 1856, differs from the JOURNALS and reports that Mr. Murney voted against the motion, instead of Mr. Munro. MONTREAL GAZETTE, 3 March 1856, also points out in a short commentary that Mr. Murney opposed the motion. MORNING CHRONICLE, 7 April 1856, reports a short commentary on the Seat of Government question.
202. HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1856.
203. According to TORONTO DAILY LEADER, 29 March 1856, the second reading of this bill was ordered for "Monday next", whereas GLOBE, 29 March 1856, concurs with the JOURNALS.
204. GLOBE, 29 March 1856.
205. TORONTO DAILY LEADER, 29 March 1856.

206. GLOBE, 29 March 1856.
207. MONTREAL GAZETTE, 31 March 1856.
208. GLOBE, 29 March 1856.
209. TORONTO DAILY LEADER, 29 March 1856.
210. GLOBE, 29 March 1856.
211. TORONTO DAILY LEADER, 29 March 1856.
212. GLOBE, 29 March 1856.
213. TORONTO DAILY LEADER, 29 March 1856.
214. IBID.
215. TORONTO DAILY LEADER, 29 March 1856.
216. IBID.
217. IBID.
218. IBID.
219. IBID.
220. GLOBE, 29 March 1856.
221. TORONTO DAILY LEADER, 29 March 1856.
222. GLOBE, 29 March 1856.
223. IBID.
224. TORONTO DAILY LEADER, 29 March 1856.
225. GLOBE, 29 March 1856.
226. IBID.
227. IBID.
228. TORONTO DAILY LEADER, 29 March 1856.
229. IBID.
230. IBID.
231. IBID.
232. GLOBE, 29 March 1856.
233. IBID.
234. GLOBE, 29 March 1856, reports that the House adjourned "at a quarter after eleven", whereas TORONTO DAILY LEADER, 29 March 1856, reports it adjourned "at half past eleven".
235. GLOBE, 29 March 1856.
236. IBID.
237. TORONTO DAILY LEADER, 29 March 1856.
238. IBID.
239. IBID.
240. IBID.
241. IBID.
242. IBID.
243. TORONTO DAILY LEADER, 29 March 1856. This debate was reconstructed by editing two reports provided by this newspaper. One of these is a synopsis of debates.
244. TORONTO DAILY LEADER, 29 March 1856.
245. IBID.
246. GLOBE, 29 March 1856.
247. TORONTO DAILY LEADER, 29 March 1856.
248. IBID.
249. IBID.
250. TORONTO DAILY LEADER, 29 March 1856. MONTREAL GAZETTE, 31 March 1856, reports the following summary which seems to indicate that more speakers were involved in the discussion than is reported in TORONTO DAILY LEADER, 29 March 1856: "After some discussion the matter was left to the Speaker, the opinion of members being generally expressed in favour of the change." GLOBE, 29 March 1856, only reports that the motion generated "a short conversation".

MONDAY, 31 MARCH 1856

(205)

MR. SPEAKER laid before the House,--Return from the Registrar of the County of York, pursuant to the Act 16 Vic. cap. 187, section 9, for the year 1855.

For the said Return, see Appendix (No. 3.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. DeWitt,--The Petition of Henry Price and others, of Hemmingford; and the Petition of D. Mark and others, of the County of Chateauguay.

By Mr. Joseph Curran Morrison,--The Petition of William L. Smart, of Woodstock, County of Oxford.

By Mr. Roblin,--The Petition of the Reverend Henry Patton, of the Town of Cornwall, Rector.

By Mr. Antoine Aimé Dorion,--The Petition of La Banque du Peuple.

By Mr. Brodeur,--The Petition of the Reverend Joseph Crévier, Curé, and others, of the Parish of St. Pie, County of Bagot.

By Mr. Loranger,--The Petition of William H. Smith and others.

(206)

By Mr. Patrick,--The Petition of A. Carman and others, of the Matilda Division, No. 22, of the Sons of Temperance; the Petition of Horace Lyman and others, of Granby; and the Petition of C. Mason Mills and others, of the Township of Matilda.

By Mr. Ferrie,--The Petition of the Reverend M. Boomer and others, of Galt.

By Mr. Bowes,--The Petition of the President and Secretary of the Conference of the Wesleyan Methodist Church in Canada; and of the Chairman and Secretary of the Board of Victoria College.

By Mr. Terrill,--The Petition of D.W. Mark and others, of the Township of Stanstead; the Petition of W.L. Oliver and others, of the Township of Barnston; and the Petition of Mrs. Margaret Elder and others.

By Mr. Sanborn,--The Petition of the Sherbrooke Library Association and Mechanics' Institute; the Petition of Eli Ives and others, of the Township of Compton; the Petition of O.K. Crosby and others, of the Township of Compton; the Petition of Lucius Spafford and others, of the Township of Compton; the Petition of Charles Kemp and others, of Sherbrooke; and the Petition of William Brooks and others, of Sherbrooke.

By Mr. Labelle,--The Petition of A.B. Papineau and others, of the Parish of St. Martin.

By Mr. Rhodes,--Two Petitions of the Reverend Charles Trudelle and others, of the Village of Plessisville, Township of Somerset; and the Petition of Edward Birch and others, of St. Joseph, District of Quebec.

By Mr. Daly,--The Petition of Thomas Allen and others, of Fullarton; the Petition of William Moscrip and others, of Blanchard; the Petition of J. Hyde and others, of the Town of Stratford, County of Perth; the Petition of Alexander M. MacGregor; and the Petition of S. Davis and others, of the City of London.

By Mr. Jean Baptiste Eric Dorion,--The Petition of the Reverend W.M. Ross and others, of the Village and Township of Drummondville; the Petition of Patrick McCabe and others, of the Township of Wickham; and the Petition of the Reverend David Dunkerley and others, of Durham.

By Mr. Valois,--The Petition of the Trustees of the Protestant School in the Parish of St. Laurent.

By Mr. Jobin,--The Petition of William Hope and others, of the Parish of St. Gabriel de Brandon.



By Mr. Evanturel,--The Petition of the School Commissioners of the Municipality of the Parish of St. Roch de Québec; the Petition of Edouard Robitaille, Mayor, and others, of the Parish of Charlesbourg; the Petition of the Municipal Council of the County of Quebec; and the Petition of the Reverend the Bishop of Tloa, Administrator of the Diocese of Quebec, and others, of the City of Quebec.

By Mr. Whitney,--The Petition of the Municipality of the Parish of St. Armand East.

By Mr. McCann,--The Petition of G.C. Edwards and others, of the Township of Clarence, County of Russell; and the Petition of Albert Hagar and others, of the Township of North Plantagenet.

By Mr. Cooke,--The Petition of C.C. Allen, of Chelsea; the Petition of Asa Cooke and others, of the Parishes of Ste. Angélique and St. André Avellin; the Petition of Ephraim Chamberlin and others, of the Township of Hull; and the Petition of the Municipality of the Township of Lochaber, County of Ottawa.

By Mr. James Smith,--The Petition of John McNeely and others, of the Township of Ops; the Petition of Mrs. McGra and others, of the Township of Ops, County of Victoria; the Petition of George H. Bayley and others, of Port Hope; the Petition of James Lowes and others, of the Township of Hope; the Petition of S. Caldwell and others, of the Township of Hope, County of Durham; the Petition of W. Clarke and

(207)

others, of the Township of Mariposa, County of Victoria; the Petition of W.R. Dick and others, of the Township of Fenelon, County of Victoria; the Petition of A.A. McLaughlin and others, of the Township of Mariposa; the Petition of G.B. Christy and others, of the Township of Mariposa; the Petition of William Graham and others, of the Townships of Mariposa and Brock; the Petition of Thomas Eyre and others, of the Township of Hamilton; and the Petition of Israel Fergusson and others, of the Township of Eldon.

By Mr. Conger,--The Petition of James Hall and others, of the Town of Peterborough and vicinity; the Petition of the Reverend John M. Rogers and others, of Peterborough and vicinity; and the Petition of W. Learmouth and others, of the Townships of Otonabee and Asphodel, County of Peterborough.

By Mr. Bell,--The Petition of J. Melvin and others, of the County of Hastings; and the Petition of Mathew Anderson and others, of the Township of Ramsay, County of Lanark.

By Mr. Poulin,--The Petition of O. Stimpson and others, of Abbottsford, County of Rowville, and other places.

By Mr. Sidney Smith,--The Petition of William Ireland and others, of the Township of Murray; and the Petition of Thomas Hayat and others, of the Township of Haldimand, County of Northumberland.

By Mr. Bourassa,--The Petition of F. Marchand and others, of the Parish of St. Jean, County of St. John's.

By Mr. Felton,--The Petition of Joseph Pennoyer and others, of Sherbrooke; and the Petition of George Hutton and others, of Richmond.

By Mr. Holton,--The Petition of John Walker and others, Office-bearers of Perseverance Tent, No. 107, Independent Order of Rechabites; the Petition of Octave Prévost and others, of La Côte des Neiges; and the Petition of the Reverend W. Broxholme and others, of the City of Montreal.

By Mr. Southwick,--The Petition of the Agricultural Society of the County of Elgin; and the Petition of the Mechanics' Institute of Aylmer, County of Elgin.

By Mr. Brown,--The Petition of William Tyler and others, of the Township of Erin; the Petition of the Municipality of the Township of Brooke; the Petition of William Scott and others, of the County of Two Mountains; the Petition of George

Gott and others, of Amherstburg; the Petition of D. McDougall and others, of Chatham; the Petition of W.P. Vidal, Chairman, and Robert Mackenzie, Secretary, on behalf of a Public Meeting of the Inhabitants of the County of Lambton; and the Petition of the Reverend H.J. Grasett and others, of the City of Toronto.

By the Honorable Mr. Merritt,--The Petition of Nathan Pawling and others, of the Village of Port Dalhousie; and the Petition of Robert Fleming Gourlay.

By the Honorable Mr. Spence,--The Petition of W.D. Donaldson and others, of the Village of West Flamborough; and the Petition of John Quarrey and others, of the Town of Dundas.

By Mr. Jackson,--The Petition of Timothy Hurley, late a Private in Her Majesty's 81st Regiment.

By Mr. Gould,--The Petition of the Reverend John MacTavish and others; and the Petition of J. Gould and others, Directors of the Port Whitby and Lake Huron Railway Company.

By Mr. Wright,--The Petition of P. LeSueur and others, of the City and District of Quebec; the Petition of the Leading Star Union, No. 33, Daughters of Temperance, of Quebec; and two Petitions of D. McDougall and others, of Thornhill and vicinity.

By Mr. Pouliot,--The Petition of Henry Clifford and others, of St. Malachi,

(208)

County of Dorchester; and the Petition of P. Lidds and others, of St. Henry, District of Quebec.

By Mr. Hartman,--The Petition of William Brodie and others, Sons of Temperance, and others, of Quebec.

By Mr. Niles,--The Petition of the Agricultural Society of the County of Middlesex.

By the Honorable Mr. Robinson,--The Petition of the Hamilton Hotel Company.

By the Honorable John Sandfield Macdonald,--The Petition of Donald Kippen and others, of the Township of Bruce, County of Bruce.

By Mr. Aikins,--The Petition of Robert A. Young and others, of the Township of Brighton; and the Petition of W. Shields and others, of the Town of Bolton.

By Mr. Christie,--The Petition of W.A. Mullen and others, of the County of Brant; and the Petition of the Reverend Robert Dewar and others, of Sydenham, County of Grey.

By Mr. Powell,--The Petition of the Richmond Mechanics' Institute and Library Association; and the Petition of C.C. Brigham and others, of the Township of Hull.

By Mr. Gamble,--The Petition of the Reverend W. Belt and others.

By the Honorable Mr. Cameron,--The Petition of George Browne and others, of the City of Toronto; the Petition of James Watson and others, of the City of Toronto; the Petition of J. Sords and others, of the City of Toronto; the Petition of Adam Beatty and others, of the City of Toronto; the Petition of A. Armstrong and others, of the City of Toronto; the Petition of Henry McConkey and others, of the City of Toronto; the Petition of Hewitt Bernard, of the Town of Barrie; the Petition of the Reverend David Watson and others, of the Township of Thorah; and the Petition of Alexander Sanson and others, of the City of Toronto.

By Mr. Shaw,--The Petition of the Municipality of the Village of Smith's Falls.

Pursuant to the Order of the day, the following Petitions were read:--

Of George Ford and others, of the Village of Ingersoll; of Amos Tripp and others, of the Township of West Oxford, County of Oxford; of Robert Layton and others, of the Township of Dereham; of William Goodson and others, of the Township of Glanford, County of Wentworth; of Philip Spaun and others, of the Township of Ancaster; of Samuel G. Ogden and others, of the Village of Cooksville; of Levi Adams and others,

of the Township of Edwardsburgh, County of Grenville; of Richard Wilson and others, of Russeltown; of Mrs. Robert Bell and others, of Carleton Place; of William K. Forsyth and others, of the Township of Hillier and vicinity; of the Reverend Joseph Scott and others, of Dunham, County of Missisquoi; of James O'Halloran and others, of Cowansville; of Thomas Ross and others, of York; of Abel M. Allison and others, of the Township of Wilmot, County of Waterloo; of Neal Dow Division, No. 27, of the Sons of Temperance, Montreal; and of William Bell and others, of the Gore of the Township of Downie, County of Perth; praying for the passing of a Prohibitory Liquor Law.

Of the Municipality of the Township of North Norwich; praying that the boundary line between the Townships of North Norwich and Burford, as surveyed by W.G. Wenham, Provincial Land Surveyor, may be confirmed.

Of the Municipality of the Township of North Norwich; praying that the Sectarian Clauses in the School Act may not be repealed.

Of James K. Burke and others, of the City of Ottawa; praying that an investiga-

(209)

tion may take place of Dennis Tierney's death, caused by an armed mob attacking the Inn kept by William Burden, on the eighth day of January last.

Of the Reverend S. Belleau and others, of the Parish of Ste. Croix, County of Lotbinière; praying aid for School Houses.

Of Edouard Noël, of the Parish of St. Antoine de Tilly; praying to be paid his expenses for attending as a Witness before the Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Lotbinière.

Of the Mount Pleasant Mechanics' Institute; praying for aid.

Of Narcisse C. Faucher, Mayor of St. Etienne de Beaumont; praying that a Survey may be made in order to ascertain the probable cost of opening out a continuous line of water communication from Lake Huron to the St. Lawrence, by the Valley of the Ottawa; and also, that aid be afforded to the North Shore Railway Company, to enable them to construct the said Road.

Of Narcisse C. Faucher, Mayor of St. Etienne de Beaumont; praying that means may be adopted to encourage the settlement of wild lands in this Province; and also, that aid may be granted to the North Shore Railway Company, to enable them to construct the said Road.

Of the Reverend P.C. Dubé, Curé, and others, of the County of Laval; praying that the Parishes of Ste. Thérèse de Blainville and St. Louis de Terrebonne may be annexed to the County of Laval.

Of the Vaudreuil Railway Company; praying for certain amendments to their Act of Incorporation.

Of the Municipal Council of the County of Pontiac; and of the Municipality of the Township of Wakefield; praying that aid may be granted to the Ottawa and Prescott Railway Company.

Of the College of Longueuil; praying for aid.

Of the Reverend Hedwidge Davignon, Superior of the Academy of Longueuil; praying for aid.

Of Les Soeurs de Miséricorde of Montreal; praying for aid.

Of the College of Ste. Thérèse de Blainville; praying for aid.

Of Bothwell Gurnett and others, of the Township of Delaware; praying that the Petition of Charles Powell praying for the passing of an Act to provide for the settlement of the disputed lines in the said Township may not be granted.

Of the Kingston General Hospital; praying for certain amendments to their Act of Incorporation.



Of the Medical Faculty of the University of Queen's College; praying for aid.

Of James Ross and others, of the Township of Nichol and its vicinity; of Launce-  
lot Jackson and others; of the Reverend William Graham and others, of the County of  
Huron; of the Reverend David Walker and others, of Port Sarnia; of the Reverend  
M.Y. Neill and others, of Dundas; of the Reverend James Ferguson and others, of  
Lobo; of William Brack and others, of the Township of York and vicinity; of Joseph  
Lesslie and others, of the City of Toronto; of David Smellie, senior, and others, of  
the Township of York; of the Reverend Peter Fergusson and others, of Esquesing and  
Trafalgar; of the Reverend William S. Ball and others, of Woodstock; of D. McDermid  
and others, of Woodstock; and of D. McKenzie and others; praying for the abolition  
of Sunday labor in the Post Office Department, and on the St. Lawrence Canals.

Of the Mayor, Aldermen, and Commonalty of the City of London; praying for the  
passing of an Act to enable them to borrow One hundred thousand pounds for the pur-  
pose of consolidating the Debt of the said City, and for other purposes for the  
benefit of the said City.

Of the Municipality of the Township of Newton; praying that the County Council  
and the County Superintendents in Lower Canada may be established (sic).<sup>1</sup>

(210)

Of the President and Office-bearers of the Simcoe Mechanics' Institute and  
Library Association; praying for certain amendments to the Act 14 & 15 Vic. cap.  
86, to enable them to receive a larger amount of annual income than is thereby  
authorized.

Of the Municipal Council of the County of Laval; praying that a Survey may be  
made in order to ascertain the practicability of opening out a water communication  
with the western Lakes and the Ottawa.

Of John Powell and others, of the Town of Niagara and other places; praying for  
power to partition a certain share or portion of property devised under the last  
will and testament of the late Honorable William Dummer Powell.

Of John Counter, of the City of Kingston; praying that all the matters with  
reference to his former Petition may be referred to a Committee.

Of Samuel Zimmerman and others, of the Village of Elgin; praying that the said  
Village may be incorporated into a Town under the name of Clifton.

Of the Reverend J.C. Chartier and others, of the Parish of St. George de  
Kakouna; praying aid for the "Couvent et Hospice de la Charité de Kakouna."

Of the Municipal Council of the County of Temiscouata; praying that means may  
be adopted for the settling of the Crown Lands in the rear of the Parish of Isle  
Verte.<sup>2</sup>

Of the Municipal Council of the County of Temiscouata; of the Municipality  
of the Parish of St. Louis de Kamouraska; and of the Municipality of the Parish  
of St. Martin; praying for certain amendments to the Municipal and Road Act of  
1855.

Of the Municipal Council of the County of Temiscouata; praying that the million  
and a half granted for Municipal purposes in Lower Canada may be applied to the  
settling of wild Lands and opening out of Roads.

Of the Directors of the Clarenceville Academy; praying for aid.

Of Noah Jackson and others, of Aylmer; praying for the passing of an Act to  
enable them to dispose of the Building and Land at present occupied as a Church in  
the Township of Hull, and to appropriate the proceeds towards the erection of a new  
Church.

Of the Aylmer Academy, County of Ottawa; praying for aid.

Of the Municipal Council of the County of Ottawa; praying to do away with the  
County Councils, and to vest the power in the Local Councils.

Of James Campbell and others, of the County of Ottawa; praying that a Circuit Court may be established in the Village of Thurso, County of Lochaber.

Of the Town Council of the Town of Berlin; of the Municipality of the Township of Woolwich, County of Waterloo; and of the Municipality of the Township of Wilmot; praying that the Townships of Wellesley, Waterloo, Wilmot and Woolwich may be relieved from all liability on account of the construction or maintenance of the Guelph and Dundas Road.

Of George Robinson VanNorman, of the Town of Simcoe, and others; praying that their respective Titles to certain Lands in the Town of Simcoe and Township of Windham, be confirmed.

Of the Municipality of the Township of Windham; and of the Municipal Council of the Town of Simcoe; praying for certain amendments to the Clergy Reserve Act.

Of Hervey Killam of the Township of Townsend; praying to be naturalized as a British subject.

Of the Municipality of the Township of Wellesley; praying that the prices of Clergy Reserve Lands in the said Township may be the same as the Crown Lands.

Of Henry Johnson and others, of the Village of Hastings; of Thomas Wightman and others, of the Township of York; and of George Snider and others, of the Town of Sydenham; praying for the repeal of the Separate School Act.

(211)

Of the Municipal Council of Bosanquet; praying that no change may be made from the original charter in the route of the Grand Trunk Railway.<sup>3</sup>

Of George Levergood and others; praying that their lots of land which have been separated from the Township of Dawn, to which they were originally attached, may be re-annexed to the said Township.

Of R.A. Fyfe and others; praying for the passing of an Act to incorporate the Baptist Theological Education Society of Canada.

Of John Meikle, Chairman, and John W. Gibson, Secretary, of Lachute Academy; praying for an Act of Incorporation under the name of Lachute College.

Of Robert Hobson and others, of the Township of Stamford; praying that a certain side line or road allowance in the said Township may be closed up, and the land placed at the disposal of the Township Council.

Of the New City Gas Company of Montreal; praying that the Bill now before the House to incorporate a Gas Company for the City of Montreal may not become Law.

Of Rollo Campbell and Louis Perrault, Printers; praying to be indemnified for having removed their Printing establishment from Quebec to Toronto, for the interests of the Public Service.

Of the Municipality of the Township of Williams, County of Middlesex; praying that the Grand Trunk Railway may be completed to Port Sarnia.

Of the Reverend John Cook and others, Members of the Committee of the Quebec Young Men's Protestant Educational Union; praying for aid.

Of the Municipality of the Parish of St. Louis de Kamouraska; praying for aid to construct a bridge over the River Kamouraska.

Of the Municipality of the Parish of St. Louis de Kamouraska; praying for aid to construct a wharf in the front of the Village of Kamouraska.

Of the Canadian Institute of Toronto; praying that further provision may be made for carrying the Geological Survey of this Province on a more extended scale.

Of Mrs. Mary Ann Bankier and others; praying aid for the Quebec Lower Town Infant School.

Of John Adams and others, of the City of Quebec; of M. Fitzsimmons and others, of Frampton, County of Dorchester; of W. Patton and others, of Berthier and other places in the Counties of Bellechasse and Montmagny; and of O. Le François and

others, of the County of Lévis; praying that the Bill now before the House to prohibit the sale and manufacture of ale and spirits may not become Law.

On motion of MR. LYON,<sup>4</sup>

(211)

*Ordered, That the Return relative to the Municipal Debentures of the County of Terrebonne, presented on the seventeenth instant, be referred to the Select Committee appointed to inquire into all the transactions of the Montreal and Bytown Railway Company.*

*On motion of Mr. Sidney Smith, seconded by Mr. Conger,*

*Ordered, That the time for receiving Petitions for Private Bills be extended till Monday the twenty-first day of April next.*

MR. BROWN.--Mr. Speaker, the question I am about to lay before the house is one of very considerable importance, and one as to which there is at this moment a good deal of feeling manifested among commercial men. The Board of Trade of Toronto has brought it before Parliament, and the Board of Montreal, and other Boards of Trade throughout the country have expressed opinions upon it. I do not mean to say that they are all in favour of such a measure, but some of them are, and the question has been much agitated. There are a great many parties in Canada labouring under the effects of mercantile embarrassment, which prevents them from taking that active share in business which they would otherwise do. In bringing the resolution I am about to offer, before this house, I desire to test the feeling of hon. members on the general principle, apart from all details. I propose merely that it be resolved:--"That it is expedient to enact a General Bankrupt Law for the Province." In a country like this, I think we ought to have some Judicial machinery by which three ends might be effected. First, I think there should be some process by which fraudulent debtors who are making preparations for, or are in fact making away with their property, so as to prevent their creditors possessing themselves of it, should be prevented from accomplishing that object. The second point is, that where unjust preferences are given in favour of particular creditors, there ought to be some speedy process by which other creditors can come in and force an equal division among all the creditors. And the third point is, that where a business man has been unfortunate--has suffered losses which have arisen from the misfortunes incident to trade, and which are beyond his means to meet, that he should, on making over all his assets for equal distribution among his creditors, and showing that he has acted fairly and uprightly to all--be discharged from his debts, and enabled to resume business. I shall not now detain the house with any consideration of the details of such a measure as I might desire to see passed. The question I wish to propose is, should there be a Bankrupt Law in this Province to secure an equal division of the property of bankrupts, and to enable the honest debtor to go free, upon conditions to be laid down? I do not conceal from myself that great objections are found in many quarters against a Bankrupt Law, but I am convinced that these objections are not so much against the principle, as the details embodied in the last bill. If you ask the opponents of a Bankrupt Law what objection they have to it, they immediately turn to the last law, and point out the faults of that Act. Now, Sir, I admit at once that the last law was most arbitrary and injurious in its nature, and that instead of being such a Bankrupt Law as was desirable, it was used as a summary means of coercing the collection of debts. It provided that twenty-two days after a note fell due, the fact of non-payment should be an act of bankruptcy under the statute, and a flat might issue against the debtor, and his whole property be



sequestered, whatever his circumstances. I recollect the case of a gentleman, worth 25,000L above all his debts, who had ten or twelve notices in bankruptcy served upon him in one day. (Hear, hear.) It is quite clear that such a feature as that was alone sufficient to destroy any bill; but I think all difficulty in this respect might be got over. It is, undoubtedly, the first point in framing a good and beneficial law, to discover what should be considered to be an act of bankruptcy under the statute. I think that some line might be drawn which would satisfy all parties. But I move this resolution more than otherwise for the purpose of eliciting debate, and of getting an expression of opinion from the house on the general principle. In case my motion prevails, I will either allow the matter to go into the hands of the Government if they desire it, or move for a Select Committee to enquire into the subject, and take evidence as to the best manner of proceeding. There are many points which might probably attract the attention of such a Committee; one is, with regard to what should form an Act of Bankruptcy, to which I have already referred; and another is, whether there should be a general assignee appointed, or that the creditors of each debtor should have the right to appoint their own assignee. This question has been another cause of controversy, and ill-feeling against the old Bankrupt Law, because it has been said, that where parties have been appointed to wind up estates, much time has been lost, and the estate mismanaged. Nay, it has even been said that some creditors, with a view to being appointed assignees, and making a good thing of the assigneeship, have put their debtors, without reasonable cause, into Bankruptcy, to the great injury of other creditors. And there are other important points which might be considered in Committee; and the operations of the new Bankruptcy Bills in England and Scotland might be inquired into and availed of. I think that, by these means, a Bill might be devised which would prove beneficial to this country, and satisfactory to most persons. There was an assurance given, some years ago, by the then Government, that they would bring the matter forward; and as it is very important for the public, upon this occasion, to know the views of the Government on the question. I hope we shall now hear it from hon. gentlemen opposite.<sup>5</sup>

MR. SOL. GEN. H. SMITH said, I am disposed to agree with the hon. member for Lambton in regarding the subject that he has brought before the house as most important, and I always thought that a subject of this importance should be looked upon not with a sectional view, but that the legislation upon it should be for the whole country. (Hear, hear.) The hon. member has pointed out some of the objections which existed to the details of the former law which was in force in this province, and I think that we may attribute to the objections in the details of that measure, its unpopularity. (Hear, hear.) I recollect that on several former occasions when we discussed this matter, that not only was there a diversity of opinion in the members of Upper Canada, but with the profession generally<sup>6</sup>, both in Upper and Lower Canada<sup>7</sup>. The hon. mover is just in stating that the matter should be referred to a Select Committee, but no bill will ever receive favour at the hands of the commercial community unless it be so guarded in its details that while on the one hand it will provide a protection for the debtor, it will on the other give to creditors the means of having a distribution of the whole assets of the Bankrupt's Estate. If you have a Bankrupt law by which the creditor can force an unjust decision (*sic*) at the time of the insolvency, that law will be unpopular, while if you have a measure which will leave in the power of fraudulent debtors the means of giving a preference to certain creditors over others, it will likewise be unpopular. Those two objections have to be obviate[d].<sup>8</sup> Any law would be unpopular which did not guard the creditor and give him the means to get all the property of the debtor, and at the same time prevent the debtor, from being kept by one-third or two-thirds or any

number of his creditors for his whole life under the pressure of his debts.<sup>9</sup> The interest of the creditors must be protected as well as the interest of the honest debtor; but, at the same time, it was of importance that a provision should be made whereby the honest debtor after giving up his whole estate should not be kept a bankrupt for life.<sup>10</sup> During the existence of the former law, a great many cases arose in the Courts of Upper and Lower Canada in which the hardship of the law was pointed out. In one case which occurred in Montreal without mentioning the names of the firm, the house was considered solvent, and yet were forced into bankruptcy. They paid 19s. in the pound, and I believe they would have paid 20s. in the pound if they could. I think it is wrong to hold that creditors should have it in their power to ruin good estates of debtors, when perfectly solvent. Mr. Alleyne, the honourable member for Quebec, last year brought in a bill upon the subject, but the matter has been allowed to remain open up to the present time. I have not had time to look into the matter although I have examined the statute upon it, and I think that a modified Bankruptcy Bill might be adapted to the circumstances of this country, but I do not tie myself to any measure until we see all the details before the House, because the efficiency of the Bill must depend upon its details. It must be a security to the creditor, and not oppressive to the debtor. Such a bill would be popular. The proper way would be to refer this resolution to a Select Committee, and I think that Committee would have an opportunity to take evidence from the members of the different Boards of Trade, correspond with them and by collecting all the petitions together which have been presented to this House upon the subject they would be enable[d] to come to a proper conclusion, and to report their views to this House. Those conclusions might form the basis of a Bill, and a great deal of time may be saved in discussion here.<sup>11</sup>

MR. AT. GEN. DRUMMOND said: Permit me to declare that I am much opposed to any Bill like that in the character of the Bankrupt Law which exists in England, or at all resembling the law which was introduced here. It is true that since that time the Bankrupt Laws of England have been very much improved, but improved as they are, they do not suit our state of society (hear, hear,) and mode of doing business. (Hear, hear.) I think that three-fourths of the mercantile men of this Province will sustain me in saying,<sup>12</sup> that if such a bankrupt law as they had many years ago, had been in existence here during the last commercial crisis--many of the most important houses in the Province would have been irretrievably ruined.<sup>13</sup> I know one instance very striking, where on the eve of the repeal of the Bankrupt Law, which formerly existed in this Province, no less than 15, if not 20 notices of bankruptcy had been lodged against a gentleman who was possessed of real and personal estate of the value of at least 75,000L. His debts amounted to something less than 25,000L. If the Commission of Bankruptcy had been issued before that law had been repealed, his estate would not have yielded 2s. 6d. in the £, but a short time after that he was induced to make a voluntary assignment to his creditors, and within the last two years his trustees paid off his debts and returned to him nearly the whole extent of his real property. At the present moment that property cannot be worth less than 60,000L. (Hear, hear.) He has paid off all his debts, and has about 15,000L<sup>14</sup> [OR] 1,500L<sup>15</sup> remaining in the hands of his trustees. Now in what position would that man have been if this bankrupt law had been in operation. He would have shared the ruin in which many were involved, while that bankrupt law remained in force. The effect of it was to ruin every honest man who had got into difficulties, perhaps not by his own fault, but by that of others, or by some of those sudden changes which so frequently come across the current (sic) of commercial affairs in this country. But if it ruined the honest man, it protected the rogue.-- (Hear, hear.) It enabled him to defraud his creditors and to build up a fortune at

their expense; and I will give an instance of it.<sup>16</sup> A young man of good address, and respectable appearance, presented himself to some of the merchants of Montreal, while this law was in existence, and received from them large quantities of goods, with which he went and settled down in the Eastern Townships. He got into a good business. He did not require people who dealt with him to pay ready money, but scattered his goods all over the country taking small mortgages of 25L or 30L, from the parties. He was thus very cautious in disposing of his goods; at the end of 18 months one of his friends was induced to put him into the Bankrupt Court. He therefore went to his creditors and proposed to pay them 2s 6d. in the pound, with this distinct statement, that if they did not take that, he would go into the Bankrupt Court.<sup>17</sup> They wanted 10s., but he would give no more. Being in bankruptcy, another of his friends bought in all the debts which he had placed so shrewdly in honest farmers' hands, and purchased up the whole of the amount of these debts for<sup>18</sup> 25L, and in three months after he had obtained a certificate, this same man had an establishment much more costly and extensive than the one he had previously owned, the most of it purchased with hard cash. These were two instances of the results of the old law, and he trusted they would never have such another. At the same time,<sup>19</sup> he (Mr. Drummond), thought that some means of relieving the honest debtor ought to be provided, and that can be found by following the principle of the old law of *Cessio Bonorum*. If it was in the power of two thirds of the creditors, to compel the remaining portion of the creditors to submit to an agreement, whether it be an agreement to transfer the estate entirely to the creditors, upon giving a discharge to the debtor, or one to receive only a part of the debt, or one merely to give delay, such means could be provided to relieve the honest debtor. It could not be done without consulting the majority of creditors, and he thought that in ninety-nine cases of one hundred an honest debtor would be able to settle with his creditors. Such were still the enactments which exist in the State of New York, and if some stringent enactment to prevent fraud were added, all that was required would be obtained. (Hear, hear.) He had no objection to the appointment of a committee, but he would feel loth to bind himself to any stringent bankrupt law that might be recommended<sup>20</sup>, especially if they reported any such bill as the Bankrupt Law of England.<sup>21</sup> The case was different in England, where men always enter into business with capital, but it was the exception on the continent of America. They could no more copy English statutes in matters of this kind than undertake, when our streets are filled with four feet of snow, to drive four-in-hand through them. (Hear, hear.)<sup>22</sup> He had endeavored to prepare some measures of the kind referred to, himself, but it was utterly impossible for him to [do] so as he had had too much work thrown upon him.<sup>23</sup> He had a bill in 1848 pretty much like this when he was Solicitor General, but his colleagues would not adopt it. However, he could not find it now. No such bankrupt law as that in existence in England was in operation in the United States. It was resorted to in the States on a most extraordinary occasion, and everybody knew the results it produced. It swept away millions of dollars, which were due at the time. It was a law that gave rise there to most immoral results, and he believed that the people of the States were convinced that they should avoid having any such law.<sup>24</sup> He was willing therefore that the matter be sent to a committee, but he trusted they would not report any Bankrupt Law such as exists in England.<sup>25</sup>

MR. DEWITT made some remarks which were almost inaudible in the gallery. He considered the former Bankrupt Law of the Province as prejudicial to the interests of all parties, but thought that the House should hesitate before enacting any law which would have the effect of giving debtors a legal discharge from debts which were not all satisfied. The moral question was very important and ought to be duly



considered<sup>26</sup>, but at the same time he was willing to hear what could be said upon it.<sup>27</sup>

MR. LORANGER considered that any Bankrupt Law must be based upon an immoral principle, because its tendency was to give a discharge from debts which had not been duly satisfied.<sup>28</sup> The general legal and moral principle was that, so long as a debt was undischarged, a debtor was bound to pay.--In England and France there were bankrupt laws. But we were not in the same position as France, where there were commercial tribunals, who could prevent the fraudulent debtor from entering trade again, and if the debtor obtained his bankruptcy discharge by any fraud, he was liable to be sent to the galleys for life.<sup>29</sup> Now these things were not and could not be the law in Canada, and he thought it very doubtful whether any bankrupt law could be adopted to act beneficially to the country.<sup>30</sup>

MR. STEVENSON thought the law might be required in a case in which the debtor might be imprisoned, but that not being the case in Canada, he could not see the utility of such a law.<sup>31</sup> He believed it would produce a great deal of evil.<sup>32</sup>

MR. CAMERON while satisfied that the old bankrupt law was injurious to the interests of the commercial man, was favorable to the introduction of a bankrupt law of a different character.<sup>33</sup> There was a great deal of sympathy in behalf of the debtor, but not so much on behalf of the creditor as there ought to be. He thought the suggestion made by the Attorney General East was a very proper one, that the matter might be referred to a special committee, who should enquire as to the best means of carrying out some general law to facilitate arrangements between debtors and creditors. In the United States, since 1812, there had been no bankrupt law. After its operation had been felt for a few years, it had been found necessary to destroy it. They had then for a short period of time, fifteen or sixteen years ago, an Act which he believed did not last for eighteen months. In several of the States they had the same sort of law as in England to facilitate arrangements between debtors and creditors, which was very much like the Scotch law of cessio bonorum, and there was no doubt that, if that were introduced here, it would have a good effect on the trade and commerce of the Province.<sup>34</sup> That would prevent a debtor from handing all his goods over to one creditor to the fraud of the rest. This was at present a common thing in Upper Canada.<sup>35</sup> Young men commencing business in country places were supplied with a large stock of goods from some wholesale house with which they had had connection while serving their apprenticeship, and the appearance of those goods made them receive large quantities of goods from other houses, but the house which originally supplied them retained in its own hands the means of immediately closing them up, if they thought they were running too much in debt. They kept in their possession a confession of judgment, and so soon as they found they were getting into difficulties, they came down upon them with this confession of judgment, their property was sacrificed, and other creditors who had made advances to them under the belief that they were getting on well, found there was nothing left for them. As the law at present stood, there was no remedy for this. There were no means for the registration of those judgments, they might be kept concealed in a cash box, to be produced only at the moment when it was necessary to enforce them. There ought certainly to be some law devised by which a more equitable division might be made among the creditors than heretofore. Some mode of facilitating this would probably suit the Province better than having a bankrupt law with anything like the stringent provisions which were in force formerly. He thought it would be well to refer the matter to a committee to report resolutions to this house on which a law might be based.<sup>36</sup>

MR. WILSON agreed with a good deal that had fallen from the hon. member for Toronto.<sup>37</sup> A good deal of the mercantile business in Upper Canada was carried on by young men of character to whom goods were confided, but it frequently happened that the capacity of these young men is not what was anticipated, and persons who supply them get confessions and they keep them concealed. The consequence was that<sup>38</sup> the man who could get the first execution took all the goods to the fraud of the rest of the creditors.<sup>39</sup> What was really wanted was this, that, whenever it was found that a young man in business, or any man of business, was incapable of managing it, or managed it imprudently, or became involved, so as to be unable to meet his engagements, then there should be some means by which all the creditors should share equally. Whether, on giving up everything, the debtor should be discharged, was another point, and, for his own part, he did not think legal discharges should be given recklessly or easily<sup>40</sup>, for it might happen as it too often did, that a man got a ... discharge who was not at all entitled to it. The o[ld] bankrupt law was injurious in many respects, the exp[ense] entailed by it was enormous. He had known estates which, if properly managed, would have paid all their liabilities, by this not yielding 2s 6d in the pound. While he found that in many cases fraudulent debtors got certificates to which they were not entitled.<sup>41</sup> He thought these discharges ... were always against correct principle, which was if a man could not pay now, he was held to pay when he could do so.<sup>42</sup> Some kind of legal protection, however, might be given for a certain time, not discharging the debtor altogether, but preventing him from being arrested, or from being harrassed for a certain time, so as to give him another opportunity of trying what he can do. He was certain that, if a number of the leading merchants and legal men in the house were to set seriously about it, they would not have much difficulty in concocting such a measure as would be satisfactory to the country. But he thought it certain that the bankrupt law we had formerly would not be tolerated now. It was a most tyrannical and unjust measure and the whole proceedings under it were most unsatisfactory. And he agreed in what the Attorney General East had said about copying the English system. It might afford many useful suggestions, but to copy it implicitly would be highly injurious to our interests, both commercially and socially. He thought we were in a position to strike out a path for ourselves, and it should be remembered that we had more analogies of business and of feeling with the neighbouring country than with England, because our country resembles theirs, our position resembles theirs, our social institutions more resemble theirs, in fact, the whole genius of the people more resembles them than the people of England. He looked upon this as a question of great importance, since the prosperity of the country depended a great deal on the attention paid to its commercial transactions and interests.<sup>43</sup> He regretted that the mercantile community was not better represented in the House, because (sic) the prosperity of the country depended a good deal upon the integrity of the merchants, and they could only be protected by being more fully represented in this House.<sup>44</sup>

MR. A. DORION, (of Montreal) said that such had been the operation of the last Bankrupt Law in the Lower Province, that the mere mention of that law was sufficient to frighten the whole of the commercial community there. He thought the fault of that law lay in the fact that it was too close a copy of the English law. That law was very complicated, entailed a vast deal of expense, and did not, after all, provide a proper arrangement between debtor and creditor. What was required, he thought, was not exactly a bankrupt law, but a measure which should provide for a more speedy recovery of debts, and laying hold of the property not only of fraudulent debtors, but of all<sup>45</sup> insolvent debtors, such as prevailed in France, Scotland, and the United States<sup>46</sup>; and a measure might, probably, be coupled with it by which a debtor would be able to offer to his creditor either his whole estate, or so much

in the pound. If such a law were enacted, it would meet with general approbation amongst the mercantile community.<sup>47</sup> The old law was very bad, arising from the great expense of working.<sup>48</sup> Under the law in England, only large estates go into bankruptcy. But in this Province it is generally small estates which go into bankruptcy, and they cannot pay the expenses of the Court. In his opinion, the best course would be to suggest some proper means of facilitating the speedy recovery of debts, and preventing the great frauds which are now practised on bankrupt's estates.<sup>49</sup>

MR. THIBAudeau.--J'ai écouté les arguments avancés de part et d'autre et je persiste à croire que la classe des négociants a besoin d'une nouvelle loi de banqueroute. On a généralement beaucoup de sympathie pour les débiteurs; mais on ne s'occupe pas assez des créanciers dont les maux méritent pourtant d'attirer l'attention du gouvernement. Il est vrai que les lois précédentes se montraient peut-être trop sévères envers les premiers; on ne pourra pas nier, néanmoins, qu'elles ne fussent une arme dangereuse entre les mains d'un fripon habile. Aussi tout en professant de me ranger parmi ceux qui sont en faveur d'une loi relative aux banqueroutes, dois-je déclarer que je ne donnerais mon appui qu'à celle qui dans ses détails sera plus favorable aux créanciers que ne l'étaient les précédentes.<sup>50</sup>

MR. BOWES thought it would be generally admitted, that some law was now necessary in order to institute a different relation between debtors and creditors. It had been stated that advantage had been taken by some merchants of the entire stock of the debtor, to the exclusion of all the other creditors. Such was the case. In many instances, in Upper Canada, it would be found that the debtor was arraigned before the judge of the District Court, and compelled to pay a portion of the small pittance of his daily labor, while the large debtor cannot be compelled to pay his debts. Such a state of things ought to be at once put an end to; and large debtors as well as small ought to be compelled to pay a portion of their income, in discharge of their debts. In his opinion, a law might be enacted, which would not only relieve the honest debtor, but prevent the fraudulent one from defrauding his creditors.<sup>51</sup>

MR. BROWN then said that his motion had fully answered the object intended of drawing out discussion<sup>52</sup>. There seemed, he thought, a great desire on the part of hon. gentlemen to consult the interests of the wholesale merchants; but he would remind them that there was another, and a still larger class, whose interests also required to be taken into account (sic).<sup>53</sup> He was ready to adopt the suggestion of the Solicitor General, that the whole matter should be referred to a Committee. Perhaps the Solicitor General would make the motion, as it would come with more propriety from a member of the government.<sup>54</sup>

MR. SOL. GEN. H. SMITH declined that suggestion, for if he moved such a Committee he should be upon it, and for that he had not time.<sup>55</sup> He thought the subject ought to be allowed to drop--the object of the hon. member for Lambton having been attained by the discussion.<sup>56</sup> Perhaps before the session went much further, there would be a bill introduced, which of course would be referred to a Committee, where the whole thing would be maturely considered.<sup>57</sup>

MR. LORANGER said he had introduced a bill to the same effect last session.<sup>58</sup>

MR. SOL. GEN. H. SMITH would suggest that the consideration of the propriety of such a law be referred to select committee.<sup>59</sup>



After some further conversation, from which it appeared that the general opinion of the house was in favour of the immediate appointment of a Committee,<sup>60</sup>

MR. BROWN moved as follows:--"That a Committee be appointed to consider whether it is expedient to enact a general Bankrupt Law for the Province, and to consider also the laws now in force between debtors and creditors. Said Committee to consist of Attorney General Drummond, Messrs. Loranger, Cameron, Ferrie, Gamble, Wilson, Dorion (Montreal), Whitney, Holton, Shaw, Thibaudeau, Mongenais, and the mover."<sup>61</sup>

The motion was unanimously agreed to.<sup>62</sup>

(211)

*Resolved, That a Select Committee, composed of the Honorable Mr. Attorney General Drummond, Mr. Loranger, the Honorable Mr. Cartier, Mr. Ferrie, Mr. Gamble, Mr. Holton, Mr. Antoine Aimé Dorion, Mr. Whitney, Mr. Shaw, Mr. Thibaudeau and Mr. Mongenais, be appointed to inquire and report as to the expediency of passing a general Bankrupt Law for the Province, and as to the best mode of improving the existing relations of Debtor and Creditor.*

(212)

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have, in obedience to the Order of Your Honorable House, reconsidered their Sixth Report, and beg to recommend that the following Petitions be not printed, viz:--

*The Petition of Th[o]mas Parke, Esquire, praying that the Port Dalhousie and Thorold Railway Company may be allowed to extend their Road to Port Colborne.*

*The Petition of E.F. Bowen and others, of Sherbrooke Town, praying aid for the construction of a Lunatic Asylum at or near the said Town.*

*The Petition of Thomas Simard and others, Branch Pilots for and below the Harbour of Quebec, praying for certain amendments to the Act 12 Vic. cap. 114.*

*And the Petition of John Fleming, praying to be indemnified for damage sustained by the making of a Government Road through his property.*

Your Committee recommend that the Petitions of the Municipality of the Township of Godmanchester, and of the Municipality of the Parish of Ste. Magdelaine de Rigaud, praying for amendments to the Municipal and Road Act of 1855, for Lower Canada, be printed; the former in English (without translation,) and the latter in French. The number of copies to be the usual number for Petitions. Estimated expense, Four pounds five shillings.

*The Petitions of the Municipal Council of the County of Wentworth, praying for amendments to the Municipal Road Act for Upper Canada, and of Thomas Mackie and others, of the County of Megantic, praying for an inquiry into the cause of the denial of Justice in consequence of the suspension of the Laws, as lately occurred on the trial of the Murderers of Corrigan, Your Committee recommend to be printed; the former, the usual number, and the latter of five hundred copies in each language, two copies to each Member, and the balance to the mover.*

*The Return to an Address for Statement of Municipal Debentures of the County of Terrebonne exchanged by the Government for Provincial Debentures, together with correspondence, Your Committee recommend to be printed, except such portions thereof as are in duplicate. The usual number, and one hundred copies in French, and fifty copies in English, extra, for the mover. Estimated cost, Thirty-nine pounds fifteen shillings.*

Your Committee recommend that the Return to an Address for copies of Instructions or Correspondence between the Imperial Government and Provincial authorities

*on the subject of Reciprocal Trade between Canada and the other British American Colonies, be printed. The usual number. Estimated cost, Twenty-seven pounds.*

MR. MERRITT moved for leave to suspend the 62nd rule of the House, in order to introduce a bill to extend to Pells Manning, a citizen of the United State[s], the inventor of Manning's reaping and mowing machine, the privilege of holding a patent for the manufacture thereof in Canada during the term of 14 years.<sup>63</sup>

MR. SOL. GEN. H. SMITH said that there was a bill before the House to give rights to foreign inventors generally; therefore he would vote<sup>64</sup> for the suspension of the rule in this case. At the same time he thought that the second reading of the bill ought to be deferred till his hon. friend from Compton introduced his bill<sup>65</sup>. He would mention that his desire was that if the bill passed to restrict the privileges to such inventors as would come into the country to manufacture here.<sup>66</sup>

MR. DEWITT opposed the application.<sup>67</sup> [He] thought the question resolved itself into one whether they should grant a monopoly--or extend the privilege of manufacturing those machines to all who chose to do so.<sup>68</sup> He had bought one of the machines referred to, and found that it could be manufactured here for half the price. He was opposed to establishing a monopoly for it in this country.<sup>69</sup>

MR. PROV. SEC. CARTIER agreed in the view taken by Mr. DeWitt, but would not object to the preliminary step of suspending the rule.<sup>70</sup> When the Bill came up, however, he wished it to be perfectly understood, that he for one, was opposed to its principle.<sup>71</sup>

MR. HARTMAN would like to know why the hon. gentleman did not oppose the suspension of the rule, if he meant to oppose the Bill? As far as it could be considered proper, he was desirous to extend to American manufacturers those privileges which our manufacturers received in the States. He was in favor of the principle of the Bill introduced by the hon. member for Compton. It was, he thought, very desirable that some provision should be made by which we might avail ourselves of the inventions of foreigners, and the capital they would thus expend in the Province. He would remind the hon. gentleman moving this motion that there were at present two<sup>72</sup> [OR] three establishments in Canada where that machine was manufactured; and a party connected with one of those establishments told him to-day that it was now engaged [in] making 250 machines.<sup>73</sup> Therefore, if this Bill should go into operation, some clause should be inserted for the protection of those parties who had established manufactories for similar machines prior to the passing of the Bill.<sup>74</sup>

MR. GAMBLE was opposed to suspending the rule. He thought our position, under the present laws, was better than it would be under the arrangement proposed by the member for Compton, as at present we had the benefit of the inventions of the people of all other countries.<sup>75</sup>

MR. MERRITT, although wishing to promote manufacture in Canada, thought it was not right to encourage an exclusive principle.<sup>76</sup> The member for Chateauguay, and the member for South York [Mr. Gamble], were opposed to the application on the ground that they wished to have the benefit of the ingenuity and brains of other people for nothing. He had been surprised to hear arguments of that kind adduced in this house. It was generally to the poor man and not to the rich that the world was indebted for its inventions, and were they to make Canada the exception to the whole world, by excluding the poor man from the benefit of his ingenuity?<sup>77</sup> [He] was astonished that

anybody would desire to have inventions cheap by defrauding the inventors of their fair reward. He denied, however, that this was the way to have them cheap. If this law passed, the inventors would come in and lay out their capital in creating manufactures.<sup>78</sup>

The motion was then agreed to, and the Bill founded on the petition was read a first time.<sup>79</sup>

(212)

*Ordered, That the 62nd Rule of this House be suspended as regards a Bill to extend to Pells Manning, a citizen of the United States, the privilege of holding a Patent for the manufacture of Manning's Reaping and Mowing Machine for fourteen years.*<sup>80</sup>

*Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to extend to Pells Manning, a citizen of the United States, the privilege of holding a Patent for the manufacture of Manning's Reaping and Mowing Machine for fourteen years.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the fourteenth day of April next.*

*Ordered, That Mr. Thomas Fortier have leave to bring in a Bill to repeal the*

(213)

*Statute 16 Vic. cap. 80, and to make better provisions for preventing infractions of the Laws against Usury.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*<sup>81</sup>

MR. RANKIN moved for an address to His Excellency for a statement of the monies which have been sent from this Province as contributions to the Patriotic Fund, and acknowledged by the Royal Commissioner, the said statement to show from what sources or localities the contributions have been sent.<sup>82</sup>

MR. PROV. SEC. CARTIER stated that the Government, as such, had no means of information on the subject; but the Receiver General having acted as Treasurer, they would be enabled to furnish the hon. gentleman with the information he sought.<sup>83</sup>

(213)

*On motion of Mr. Rankin, seconded by Mr. Powell,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a Statement of the monies which have been sent from this Province as Contributions to the Patriotic Fund and acknowledged by the Royal Commissioner; the statement to shew from what sources or localities the Contributions have been sent.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

MR. LORANGER moved for leave to introduce a bill to oblige the incorporated banks of this Province, to receive their notes at par, at whatever branch or Agency they may be presented, without reference to the place at which they may be made payable.<sup>84</sup>



MR. FERRES, said that although it was unusual to discuss a bill on its first reading, he thought it would save a good deal of expense in the printing of the bill, if the house would first decide as to whether the principle of the measure was such as could be consented to. As he understood it, the principle of the measure was that after a party had come under an obligation towards any other party, or towards the public--the Legislature should step in and say that that obligation should not be carried out. And he apprehended the House would be just as ready to go into the discussion of such a question now, as when the bill would be printed.<sup>85</sup>

MR. LORANGER was glad the hon. member for Brome had raised this discussion on the first reading of the bill, as he (Mr. L.) was fully prepared to prove that its principle was not what had been stated by that hon. gentleman. Although the features of the bill coincided with what that hon. gentleman had stated, still his inference was incorrect. The object of the bill was simply to compel a Bank to redeem its notes at every branch where money shall be owing--thus doing away with the abuse of their charging one-half or one per cent on their notes. In reference to the scrupulosity of his hon. friend as to the expense of printing the bill, he would merely state that the bill was already printed, and was so since last Session.<sup>86</sup>

MR. FERRES.--But it will have to be reprinted this Session.<sup>87</sup>

MR. LORANGER replied that as to the cost of the printing the hon. gentleman might make himself easy, as it was only a matter of some five lines.<sup>88</sup>

The Bill was then read a first time<sup>89</sup>.

(213)

*Ordered, That Mr. Loranger have leave to bring in a Bill to compel Incorporated Banks to accept their own Notes at par, in payment of any debts that may be due them.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.*

*Ordered, That Mr. Casault have leave to bring in a Bill for the protection of Copyrights.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That Mr. Casault have leave to bring in a Bill to make provision for the publicity of Hypothecs and real rights in Lower Canada.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That Mr. Casault have leave to bring in a Bill to declare which shall be the legal text of Acts of the Legislature.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That Mr. Jobin have leave to bring in a Bill to amend the Lower Canada Municipal and Road Act of 1855, and to erect St. Lambert into a separate Municipality.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

MR. JACKSON moved that the 62<sup>nd</sup> rule of the House be suspended, in order to admit of the introduction of a bill to separate the united counties of Huron and Bruce. The hon. gentleman stated that both counties had unanimously expressed a desire that such a separation should be effected. And he had with him copies of the Huron Signal, in which, so far back as the 31<sup>st</sup> January last, a notice re[s]pecting the separation of the two counties had been advertised. The representatives of both counties were also in favor of this measure; and on these reasons he would move for the suspension of the rule.<sup>90</sup>

MR. HARTMAN said that if the object of this motion was to effect a separation more speedily than could be done under the general law, it was high time that that law should be amended.<sup>91</sup>

MR. JACKSON replied that such was the case. It was proposed that the bill should come into operation on the 1<sup>st</sup> of January next. The population had increased rapidly--he might almost say unprecedentedly, and at the present moment it contained some 15,000 persons, and was still rapidly increasing its numbers. If this bill were passed, the convenience of both counties would be materially aided.<sup>92</sup>

MR. SOL. GEN. H. SMITH agreed with his hon. friend from the North Riding of York, that the present act had retarded instead of facilitating the division of counties; and before the session was ended, he hoped to see that important law amended.<sup>93</sup>

The bill was then read a first time<sup>94</sup>.

(213)

*On motion of Mr. Jackson, seconded by Mr. Poulin,*

*Ordered, That the 62<sup>nd</sup> Rule of this House be suspended as regards a Bill to separate the Counties of Huron and Bruce, and for other purposes.*

*Ordered, That Mr. Jackson have leave to bring in a Bill to separate the Counties of Huron and Bruce, and for other purposes.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

MR. SCATCHERD moved for an address to his Excellency the Governor General, praying him to cause to be laid before the House a return shewing the annual income of each Clerk of the Peace in Upper Canada for the years 1853, 1854 and 1855, respectively.<sup>95</sup>

MR. SOL. GEN. H. SMITH would just observe that the Clerks of the Peace in Upper Canada were about the most miserably paid officers in the Province.<sup>96</sup>

MESSRS. HARTMAN and ROBINSON, were of a similar opinion.<sup>97</sup>

The motion was granted.<sup>98</sup>

(214)

*On motion of Mr. Scatcherd, seconded by Mr. Gould,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return shewing the annual Income of each Clerk of the Peace in Upper Canada, and the source from which the said Income is derived, for the years 1853, 1854, and 1855, respectively.*

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*

*On motion of Mr. Chisholm, seconded by Mr. Angus Morrison,*

*Ordered, That the 62nd Rule of this House be suspended as regards the Petition of the Municipality of the Township of Trafalgar, praying that a certain portion of the second concession line may be vested in the Trustees of School Section number fifteen, on which to erect a School House.*

*Ordered, That Mr. Chisholm have leave to bring in a Bill to vest a certain portion of the allowance for Road in the Township of Trafalgar, County of Halton, in the Municipal Council of the Township of Trafalgar.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

*On motion of Mr. Stevenson, seconded by Mr. Jackson,*

*Ordered, That the Quorum of the Standing Committee on Printing be reduced to five Members.*

*Ordered, That Mr. Sanborn have leave to bring in a Bill to amend the Lower Canada Municipal and Road Act of 1855.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.*

*Ordered, That Mr. Biggar have leave to bring in a Bill to authorize the construction of a Dam and Water-power on the Grand River, at Holmdale, Brantford.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Biggar have leave to bring in a Bill to incorporate the Canadian Insurance Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.*

*Ordered, That Mr. Brown have leave to bring in a Bill to incorporate the Town of Sarnia.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.*

*On motion of Mr. Cooke, seconded by Mr. Somerville,*

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return in detail of*

(215)

*all Timber Duties collected by Charles E. Belle, Esquire, Crown Timber Agent for the Lower Ottawa, for the year 1855; such Return to shew the number of pieces of Timber and Saw Logs upon which Duty has been collected, the description of Timber, the amount paid by each party, with the names of the parties who paid the same, shewing also the amount of salary and other charges paid to the said Charles E. Belle, Esquire, for the said year, also the amount paid to the several sub-agents employed under the said Charles E. Belle, Esquire, also the amount paid to the Supervisor of Cullers and Deputy Cullers at Lachine, William Henry, or any other place within the*



said Agency, and all other expenses incurred in collecting the said Timber Duties on the Lower Ottawa for that year.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. NILES moved that the name of Mr. Ephraim Cook be added to the Standing Committee on Contingencies.<sup>99</sup>

[The motion] was opposed by a majority of the French Canadian members; but was carried on a division<sup>100</sup>.

(215)

Mr. Niles moved, seconded by Mr. Jackson, and the Question being put, That Mr. Cook be added to the Standing Committee on Contingencies; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Biggar, Bowes, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Christie, Conger, DeLong, DeWitt, Attorney General Drummond, Felton, Ferres, Ferrie, Octave C. Fortier, Frazer, Gamble, Gould, Hartman, Labelle, Larwill, Lemieux, Macbeth, Attorney General Macdonald, Merritt, Mongenais, Angus Morrison, Niles, O'Farrell, Patrick, Poulin, Pouliot, Powell, Rankin, Rhodes, Robinson, Rolph, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Terrill, Whitney, and Wright.--(54.)

NAYS.

Messieurs Bourassa, Brodeur, Bureau, Cooke, Charles Daoust, Jean B. Daoust, Darche, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Thomas Fortier, Fournier, Guévremont, Jobin, Laberge, Laporte, Lyon, John S. Macdonald, McCann, Marchildon, Meagher, Murney, Papin, Taché, Thibaudeau, Valois, and Wilson.--(28.)

*So it was resolved in the Affirmative.*

MR. MACKENZIE moved that an address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before the House a Return (referred to but withheld in the report of the Board of Works) of the several awards for damages and for what injury awarded on the Beauharnois Canal, Lower Canada, 1,185L 12s. 6d.; Welland Canal, 1,589L 13s. 1d.; River Trent, 319L 10s. 1d.; Lachine Canal, 197L 7s. 11d.; Cornwall Canal, 57L 10s.; Ottawa Works, 135L 10s.; Scugog, 350L, total 33,825L 3s. 7d., with the name of the Commissioners or Arbitrators in each case and a reference to the Statute under which each award was given, except in so far as such information may have been placed in the Public Accounts shortly expected, also a statement in detail of the expenditure of 1,753L 18s. 2d. paid to Commissioners to settle land damages. The Commissioners had given a return that 31,000L had been paid by them, and he wished to know who they paid it to, and for what purpose.<sup>101</sup>

MR. COM. PUB. WORKS LEMIEUX said he did not think he could give any more information than was contained in his notice.<sup>102</sup>

(215)

*On motion of Mr. Mackenzie, seconded by Mr. DeWitt,*

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return (referred to in

the Board of Works) of the several awards for damages, and for what injury awarded, on the Beauharnois Canal, Lower Canada, Welland Canal, River Trent, Lachine Canal, Cornwall Canal, Ottawa Works, and Scugog, with the names of the Commissioners or Arbitrators in each case, and a reference to the Statute under which each award was given, except in so far as such information may have been placed in the Public Accounts shortly expected; also a Statement in detail of the expenditure of One thousand seven hundred and fifty-three pounds eighteen shillings and two pence paid to Commissioners to settle Land damages.

(216)

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that information may be laid before this House as to what steps have been taken to carry into effect the Law of this Province granting Twenty thousand pounds for the erection of an Asylum for the Deaf, Dumb, and Blind, to be located in Upper Canada.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return in full detail of the expenditure on Elmsley Villa, Parliament House, Government House, and Public Buildings, Toronto, in 1854 and 1855, shewing also whether the said Works were publicly advertized and let by open contract; to whom the payments were made; the nature and extent of the agreements, and work done, and referring in each case to the Statutes authorizing such special expenditures.<sup>103</sup>

Ordered, That the said Addresses be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Lyon, seconded by Mr. Crawford,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House the Report of E.S. DeRottermund, Esquire, on the exploration of the Mines of Lake Huron and Lake Superior; or any other documents relative to the said exploration, if there be any.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to change the name of George Byron Lyon, and of his family, by adding the name of "Fellowes."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

On motion of Mr. Papin, seconded by Mr. Jean Baptiste Eric Dorion,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a List of all the Members of the Legislative Assembly who have been employed by the Government since the last General Election, as Agents, Commissioners, Advocates, Attorneys, Counsel, Surveyors, Contractors, or otherwise, receiving for such service any salary, fee, or other remuneration whatsoever; and also a Statement shewing what sums have been paid to each for the said services.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

[On motion of] MR. FOLEY<sup>104</sup>,

(216)

*Resolved*, That the Petition of the Municipality of the Township of Woolwich, County of Waterloo, relative to the Guelph and Dundas Road Debt, be referred to a Select Committee, composed of Mr. Foley, Mr. Solicitor General Smith, Mr. Fergusson, Mr. Ferrie and Mr. Frazer, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

*Ordered*, That the Petition of the Town Council of the Town of Berlin; and the Petition of the Municipality of the Township of Wilmot, be referred to the said Committee.

(217)

*On motion of Mr. Mackenzie*, seconded by Mr. Aikins,

*Ordered*, That the Clerk do request the several Incorporated and Free Banks of this Province to transmit to this House the several Financial Returns required by Law; in each case, up to as recent a date as possible.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 28th ultimo, praying His Excellency to cause to be laid before the House, a copy of all Contracts made by the Department of Public Works on behalf of the Government with the Toronto Roads Company, or with any other Company or person in reference to the purchase of any of the Macadamized or other Public Roads in the Counties of York and Peel.

For the said Return, see Appendix (No. 32.)

Return to an Address of the Legislative Assembly, dated the 5th instant, asking for copies of all Documents containing accusations against Alexander Daly, Esquire, Crown Land Agent for the County of Leinster, from the 1st June, 1854, to the 1st of January, 1856, and also, the replies, answers, or justification offered by the said A. Daly to the said accusations; and lastly, all the correspondence which has taken place during the above-mentioned period between the Government and the said Alexander Daly, and any other persons, in relation to the conduct of the latter as a Public Officer; also, for copies of all detailed accounts furnished by the said A. Daly to the Government, of the expenses incurred for the exploration of a Road in the Township of Chertsey.

For the said Return, see Appendix (No. 33.)

Mr. Stevenson moved, seconded by Mr. Ferres, and the Question being proposed, That this House doth concur in the Seventh Report of the Standing Committee on Printing;

MR. TERRILL referred to some petition praying for a Lunatic Asylum, which the committee had not thought proper to print. He had objected to that decision as one of that committee, and considered that the petition should be printed for the use of members.<sup>105</sup>

MR. FELTON was sorry to differ with the majority of the Printing Committee, but in this instance he was compelled to do so. He would, therefore, move, that the Report of the Printing Committee be not concurred in, in so far as relates to the



petition of G. Burr (sic) and others, praying for the establishment of a Lunatic Asylum at Sherbrooke.<sup>106</sup>

MR. STEVENSON considered the motion out of order, as the petition referred to a matter beyond the control of the House.<sup>107</sup>

[Mr. Felton's] motion was lost<sup>108</sup>.

(217)

*Mr. Felton moved in amendment to the Question, seconded by Mr. Terrill, That all the words after "doth" to the end of the Question be left out, and the words "not concur in the said Report in so far as relates to the Petition of E.T. Bowen and others, praying for the establishment of a Lunatic Asylum at Sherbrooke" inserted instead thereof;*

*And the Question being put on the Amendment; the House divided:--And it passed in the Negative.*

*Then the main Question being put;*

*Resolved, That this House doth concur in the Seventh Report of the Standing Committee on Printing.*

*The Order of the day for taking into consideration the Reasons of absence of such Members as were not present at the Call of the House on Monday the seventeenth day of March last, being read;*

[On motion of] MR. SOL. GEN. H. SMITH<sup>109</sup>,

(217)

*Ordered, That the said Order be postponed until Monday the fourteenth day of April next.*

*The Order of the day for the second reading of the Bill to amend the Act 18 Vic. cap. 86, for better securing the Independence of the Legislative Assembly in this Province, being read;*

MR. LABERGE moved the second reading of the Bill.... The hon. gentleman explained at some length the object of the Bill. He said it was identical with a Bill that had been already twice before Parliament--introduced by<sup>110</sup> the present Solicitor General Smith.<sup>111</sup> The hon. member then went on to show that that bill had been sup[p]orted earnestly by several of the present Ministry. The question was a serious one; for if there were some members whose independence could not be shaken by Government, there must be, at the same time, men in the House who would not be thus firm and thus immaculate. There were a large number of the members of the present House who had been employed in different lucrative offices by the Government. We have two Houses of Parliament: one wholly appointed and at the mercy of the Executive; and it had been held of the highest importance to reform that House, and to render it independent, by making it elective. If it were necessary to purify and guard the independence of the Upper House, it was of still greater importance to purify and guard the independence of the House of Assembly. The law of last session had been interpreted to mean that a member of Parliament might be employed by the Government, if the office had not a fixed annual salary attached to it. He desired to prevent members of the House from being employed and receiving money from the Government upon any pretext whatever, providing that "any person receiving directly

or indirectly from the Crown in this Province any salary, emoluments, remuneration, fee, or profit, whatever, of any nature whatever, shall be ineligible as a member of the said Legislative Assembly, and if he be at the time a member of the said Legislative Assembly, he shall thereby vacate his seat therein; Provided always, that nothing in this section contained shall render ineligible as aforesaid any person who shall be a member of the Executive Council of this Province, or who shall fill any of the following offices, that is to say: of Receiver General, Inspector General, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Solicitor General, Commissioner of Public Works, President of Committees of the Executive Council, or Postmaster General."<sup>112</sup>

MR. SOL. GEN. H. SMITH rose to speak amid ironical cries of (hear, hear.) He said he believed that he was the first member in that house to introduce a bill containing a similar provision to the one now submitted to the consideration of the house. But when he had the honour to introduce that bill to the government of that day, the object he had in view was, not the removal of members of that house from the undue influence of the government, but his object was to prevent a repetition of scenes which had occurred, namely, the issuing of writs of election before the general election, and after the meeting of Parliament. And if hon. members would refer to the law which was passed last session, which arose from the bill he introduced, they would find that his object was in the first instance to prevent the government of the day having in its power the issuing of a writ until the house had first assembled after a General Election. (Hear, hear.) He thought that he sustained that principle, for there was a statute passed last Session which, to a certain extent, met the objection which he then contended should be removed, and which was now entirely removed. But this Bill proposed to go a length which he never could succeed in carrying through that house. It proposed to disqualify from seats in it gentlemen of ability in different professions, and it moreover pointed to those gentlemen, who from their education and qualifications, had obtained a degree of eminence in the country, and declared those gentlemen to be unfit to hold seats in that house if they received any remuneration from the Government.<sup>113</sup> It ordains that none of the members of that House should be employed, even on special occasions, to carry on a Crown case, or as a commissioner to investigate any important affair.<sup>114</sup> He was free to confess, that although that clause in the Bill was identical with the one that he had first placed in his bill, he did not think that that principle could be maintained, and he spoke from conviction, having looked into the cases and precedents in England. The only act to be found in England upon it was passed so long ago as the reign of Queen Anne, and by which all persons are precluded from sitting in parliament, who had accepted any office since the passing of that Act. Now, by the bill of last Session, all persons were excluded from office in this country who held an office to which a permanent salary was attached,<sup>115</sup> unless they be members of the Government,<sup>116</sup> and he would say, that this measure went to a greater length than the law of England, that is to say, that they had protected the independence of Parliament here to a greater extent, than was done in England; for while in England they allowed members of Parliament to take temporary offices, and perform public services for which the Government might remunerate them, still they had not gone the length of this house, in wishing to exclude from Parliament all office-holders. Would it be said, that persons whose professional duties might be required by the Government were to be looked upon as placemen? They held no office of emolument. They were selected because their talents qualified them to discharge a public duty, and he thought that if this bill were to become the law of the land, the consequence would be, that instead of having men most fit to perform public service, they would be obliged to take the most unfit men. He might

illustrate his position by reference to the senior member for Toronto, who was now engaged as one of the Commissioners for the Revision of the Statutes. It was understood last session that if this clause had been passed in the bill that he had the honour of introducing, it would have the effect of depriving him of that office which he had undertaken, and which he had no doubt he would discharge with great ability. Did any hon. member suppose, that the effect of conferring upon that gentleman, or upon any other member of that house, a temporary appointment for the purpose of his rendering a great and important duty to the country, that that appointment should cast any sinister motive upon his conduct?<sup>117</sup> Did any gentleman believe that his independence, or that of other hon. gentlemen, would be impaired by their acceptance of similar employments? Were not the gentlemen thus employed as independent as before?<sup>118</sup> He thought he might appeal to the house to say that during the present session, they had seen, that hon. gentlemen who had been employed by the government in different capacities, had shown their utter independence, and had gone against the government, instead of siding with them. (Hear, hear.) He would refer to the debate in the House of Commons in the case of Doctor Bowring, who was employed to go out to the East for the Government; that was a fair illustration, but when the Estimates for the year came down, a sum was put down for the purpose of paying that gentleman, and before the Committee of Supply upon a debate on the question, it was objected that the practice was bad, inasmuch as it deprived Parliament of the services of the member. The objection was, not that the hon. gentleman was influenced, but this last reason. Now could the hon. gentleman who had charge of the present bill, show a single case where the Government or the country would be deprived of any member's services by reason of his appointment, or that any hon. member has been removed from the house by discharging his duties, and which he had done so faithfully? Upon the contrary, they had seen no case of any hon. member who had thus been performing any public duty for the Government, who had, in consequence of that appointment, been removed from that house, and prevented from discharging his duty faithfully.--There had been several other cases in the British Parliament besides that of Dr. Bowring, as for instance, the office of Chairman of Excise, Commissioner of Education in Ireland, to which there was an annual salary attached, and yet it was felt by the house that it was not an office which disqualified him from sitting. In the debate which took place upon the case of Dr. Bowring, in England he could do no better, perhaps, than refer to the language used upon the occasion by the Chancellor of the Exchequer, and also by Lord John Russell, and he could produce no better authority than to show that temporary employment did not merit a permanent disqualification of members to sit in the house. The Lord Chancellor asks:--"Would it have been prudent to say, 'there is a man upon whose knowledge, prudence and sagacity we can place the greatest reliance, but because he has become a member of Parliament we must not employ him any more, but appoint a person who has not had so much experience in these matters?' " Lord John Russell's answer was, "That may be so. I do not wish to go into the whole question, it having been so fully debated, but my opinion certainly is, that there may be special occasions on which a person being fitted for the service in which he is employed, and it being for the public interest that he should be employed, rather than any other individual, remuneration should be granted to him." That was just the question. Had there been an employment given to any gentleman in that house who had not been eminently qualified to discharge the duty entrusted to him? or had any such appointment had the effect of rendering any such gentleman independent, or to have placed him under any sinister influence? If no such case can be made out, the house would be going too far in adopting this principle, which he would say, was hastily adopted by himself at the time of introducing the Bill. (Hear, hear.) And they could do no better than reject the Bill upon this occasion. He knew very well that some hon.



gentlemen might accuse him of inconsistency. (Ironical cries of no, no, and laughter.) These expressions the hon. member took to illustrate the very good humour of hon. gentlemen. He was prepared to be subject to the charge of inconsistency, but when he saw that the house had overruled the provisions which this Act contained, when the Act of 1853, '54 and '55 was spoken of, when Parliament had given decisions upon the subject as it had, he hoped that hon. members would stop short before they adopted a principle which he would pronounce in his opinion to be unsound, and therefore proposed to vote against it. (Hear, hear.) Hon. members on the other side should consider that the time might arrive when they would find themselves placed in the same position in which he was now. (Hear, hear, and cheering.) And also that if that time should arrive, that they would find themselves in a very awkward position, (laughter and hear, hear,) merely because they would be suspected of being influenced by some paltry considerations. He did not believe that the sober sense of that house could be brought to consider this measure to be anything more than a bunkum one. (Hear, hear.)<sup>119</sup>

MR. A. DORION (Montreal) commented on the inconsistency of the opinion of the Solicitor General.<sup>120</sup> [He] asked, if the Solicitor General would say that the object of his former Bill was not to secure the independence of members, as the title indicated, but rather to enable the Government to secure their services.<sup>121</sup> What difference was there whether a man held a permanent office or a temporary in this regard? Was not the one as likely to impair a man's independence as the other? The temporary office might be the most lucrative of the two. Lord John Russell, in the speech cited, did not argue that the custom of employing members was not objectionable, but that their occasional employment might be justified.<sup>122</sup> At the present moment there were from 12 to 15 members holding temporary Government offices of the value of 200L, 300L, to 500L in the course of a year. He thought a sufficient number of talented men could be found outside the house to fill those temporary offices.<sup>123</sup> He did not believe, as a general rule, any great inconvenience would be felt in ceasing to employ members of Parliament upon government commissions, and it would tend to promote the independence and purity of the House.<sup>124</sup>

MR. PROV. SEC. CARTIER, [spoke] in French:<sup>125</sup> M. l'Orateur, sous prétexte de sauvegarder l'indépendance et l'honneur de la Chambre, l'honorable député d'Iberville vient de proposer une réforme qui est dirigée personnellement contre certains membres de cette Chambre. Il eut bien mieux valu, c'eût été plus généreux, du moins plus franc s'il avait avoué qu'il se propose d'éloigner de cette Assemblée des députés honorables, tels que ceux<sup>126</sup> [de] Toronto,<sup>127</sup> de Laprairie, de Québec et de Trois-Rivières.

On parle beaucoup de l'indépendance de la Chambre; on la prend en grand souci, comme si elle se trouvait réellement en danger; mais j'ose dire qu'elle est suffisamment assurée. Il existe une loi qui la met efficacement à couvert, en déclarant qu'un fonctionnaire salarié du gouvernement ne pourra pas venir siéger parmi nous. Néanmoins, l'hon. député d'Iberville veut plus encore; il veut trop en demandant qu'un membre de cette Chambre ne puisse en aucune façon recevoir de rétribution pour les services qu'il aura pu rendre à la province.

Qu'en résulterait-il, M. l'Orateur? c'est que des hommes éminents, intègres, d'une honnêteté établie, (éclat de bruit,) oui, d'une honnêteté établie aux yeux de tous les gens de bien, d'une capacité généralement reconnue, tels que MM. les députés de Québec et de Laprairie ne pourraient jamais faire profiter la province de leurs rares talents, du fruit de leurs études spéciales. Le premier, par exemple, choisi pour faire partie de la commission seigneuriale, possède pour cette tâche des spécialités qu'on trouverait difficilement ailleurs, c'est à ses seuls talents, à sa

seule belle renommée d'intégrité qu'il a dû d'être nommé parmi tant d'autres qui briguaient ces fonctions. Le second, vous savez, M. l'Orateur, comme tout le pays le sait aussi, à quelle hauteur il s'est élevé par sa plaidoierie (*sic*) devant la Cour Seigneuriale, en faveur des censitaires. Ce sont là des services qu'on ne rencontre pas aisément, des services dont le pays aime à garder une longue mémoire et qui pourtant n'auraient jamais été rendus si le changement proposé par le député d'Iberville avait eu déjà lieu pendant une session antérieure. Et sous prétexte de mettre l'indépendance des membres à l'abri d'une tentation problématique, on aurait privé les censitaires de cette plaidoierie (*sic*) par laquelle l'hon. député de Laprairie s'est mis à la tête de sa profession.<sup>128</sup>

Rumeurs ironiques à gauche.<sup>129</sup>

[MR. PROV. SEC. CARTIER:] Je ne mets nullement en doute le talent des autres ... avocats qui ont figuré dans cette cause célèbre; de part et d'autre, il y a eu un beau déploiement de profondes connaissances légales et de sentiment oratoire. Mais la palme, M. l'Orateur, a été remportée par l'hon. député de Laprairie. C'est un compliment que je ne lui ai jamais fait, connaissant sa modestie, mais que la circonstance m'arrache en ce moment. Oui, le premier magistrat de notre province, l'homme dont nous nous glorifions tous, Sir LaFontaine dont on ne contestera pas le talent d'appréciation, a dit que par la multiplicité de ses connaissances légales, l'élégance de sa parole et la force de son argumentation, le député de Laprairie s'est mis à la tête de sa profession. Et ce jugement, sans doute impartial, a été corroboré par plusieurs autres personnes compétentes sur cette matière. Je sais qu'en parlant ainsi, je blesse la modestie de l'hon. député; car il est connu qu'il fait peu de cas de ces belles qualités. Mais c'est précisément à cause de cela même que ses amis doivent le forcer à les faire briller et nous n'avons que faire d'une loi qui rendrait les hommes les plus éminents, inutiles au gouvernement du pays. De plus, M. l'Orateur, la réforme proposée renferme une censure contre l'administration qui a cru devoir mettre à profit le talent et l'honnêteté partout où il les a trouvés et pour le meilleur être du peuple.<sup>130</sup>

MR. EVANTUREL.--L'expérience, M. l'Orateur, nous montre qu'on ne saurait entourer de trop de barrières l'honneur, la réputation, l'indépendance des corps législatifs. Non seulement ils doivent être en dehors de toute influence gouvernementale, mais il faut encore qu'ils ne puissent pas même être soupçonnés de vénalité, s'ils veulent que leurs lois soient respectées du peuple. Je sais bien que la motion de l'hon. député d'Iberville donnera lieu à des personnalités et je le regrette plus que pas un, parce que plus que la plupart des membres de cette Chambre, j'ai été à même d'apprécier la générosité d'âme, l'indépendance d'action, la franchise de langage et l'honnêteté de sentiments de mon hon. collègue de Québec. Mais, parce qu'il se trouve heureusement des exceptions en dehors de toute influence corruptrice, est-ce à dire que la loi proposée n'est pas nécessaire et ne trouverait pas son application dans un grand nombre de cas? et pour l'honneur même des hommes intègres que la tentation d'un salaire ne pourrait jamais faire dévier, ne vaut-il pas mieux qu'ils soient au-dessus de tout soupçon en se trouvant hors de la portée de la tentation elle-même?

Je dis qu'il y a de très honorables exceptions et qui sait si parmi celles-là elles-mêmes il ne pourrait pas se trouver un jour une honnêteté qui faillirait, une indépendance qui ploierait? Peut-on peser l'avenir? Dirige-t-on les circonstances qui ont une si grande influence sur les actions des hommes? Je suis si loin de vouloir jeter le plus léger soupçon sur un membre quelconque entre ceux qui m'entourent que je m'adresse cette question à moi-même. Je me demande si en face

d'une pressante nécessité je ne faiblirais pas pourvu que les moyens m'en fus[s]ent offerts, si je n'écouterais pas la corruption lorsqu'elle se présenterait et voilà pourquoi j'aimerais à voir entre elle et moi une barrière infranchissable, afin que je pusse rester ou député incorruptible d'un côté, ou citoyen corrompu mais sans moyen de nuire, si je me trouvais de l'autre côté de la barrière. Ce que je voudrais pour moi-même, je pense que chacun de mes collègues le voudrait pour lui-même aussi.

Je sais que la réforme proposée, si elle se trouve acceptée, aura ses inconvénients, dès le premier jour de son application d'abord et puis encore toutes les fois que le gouvernement se trouvera obligé de se priver des services d'un député de talent. Mais le député de Québec lui-même semble avoir compris dans quelle position délicate il se trouvait, si j'en juge par sa démarche auprès de ses commettants. Pour ce qui est du député de Laprairie, je sais quelle est son indépendance, garantie d'ailleurs par ses talents; aussi mon vote en faveur de la motion ne pourra-t-il jamais être considéré comme une censure personnelle. En me prononçant, j'oublie qu'il est de ceux que des soupçons dictés par une envie maligne peuvent atteindre et si je me le rappelais, si cette loi ne devait que se proposer un but personnel, je serais des premiers à voter parmi les amis du député de Laprairie.<sup>131</sup>

MR. POWELL said the motion of the Solicitor General was not so strange as the remarks by which it was accompanied. That hon. gentleman said he had no doubt that by opposing the Bill he would be laying himself open to the charge of inconsistency; but this was a remark the House did not require after what had transpired within these few weeks past. But there was a higher principle involved than the consistency or inconsistency of the Solicitor General.<sup>132</sup> The question was whether they should increase the patronage of the Government, which already weighed too heavily on the Legislature.<sup>133</sup> He r[e]garded the extent of patronage in the hands of the Executive with apprehension. He believed its influence was felt in the House. There was no difficulty in pointing out members who had left their duties in that House to attend to Government business, for which they were paid. He went on to show that the House was filled up with lawyers, men of a profession with many openings for employment. Some then were looking forward to a Judgeship as the reward of their political services. Perhaps he should say of their distinguished patriotism. Others there were who got pleasant circuits and nice fees from the law officers of the Government.<sup>134</sup> He believed some gentlemen on the Ministerial side had received more than 1,000L a year for their services.<sup>135</sup> But there was one thing remarkable that although they boasted of a goodly array of legal talent on the opposition benches, they never found them employed on any of those Government services. He thought it would be well if some one would move for a return of the sums of money paid to the members of Parliament during the year. They would have some idea of the extent to which this influence was applied. He did not blame the present Government more than any other for using this patronage even for their own benefit. But<sup>136</sup> this patronage of the Government he looked upon as a dangerous weapon in their hands--dangerous to the rights and liberties of the people. He should vote for the bill, and against the amendment of the Solicitor General.<sup>137</sup>

MR. PAPIN thought there was no question about the correctness of the principle of the bill of the hon. member for Iberville. It was already affirmed by the legislature of the country. The law already in force pushed the principle in one direction still further. A man with a permanent salary of 50L was excluded from the House, while a man might receive 500L or 1000L year after year for what was called temporary services, though steadily recurring. This was, in his opinion, most unfair. It did not tend to promote the principle upon which the act was professedly



founded. Who would pretend that the petty office would more influence the dependant than the well paid commissioner?<sup>138</sup> He went on to denounce Ministers for their inconsistency, and replied to Mr. Cartier's argument. How was it that this bill was a bill to exclude the honorable members mentioned by the Provincial Secretary when the same bill had been introduced and voted for by two of his colleagues? Ere some of those hon. members had entered Parliament, what was it then? He had no desire to make a personal matter of it, or cast any imputation on the hon. members whom the Provincial Secretary had mentioned. The Provincial Secretary's views were injurious to those gentlemen as insinuating that they would prefer to resign their seats in that House than giving up the lucrative situations they held. If that were true, it furnished the strongest reasons for the bill, for it would go to prove that they were here as preferring the paid services of Government to the unpaid but more honorable services of their constituents. He would not make such insinuations as the hon. Secretary had done. He did not wish to blame the hon. members in question, but the system, for he believed it vicious, and he hoped this bill to abolish it would pass.<sup>139</sup>

MR. LYON said there was a principle at the bottom of this bill disgraceful to them in their capacity as representatives of the people.<sup>140</sup> In discussing this question, members ought to be guided by the principle whether it was just and right to curtail the services of the persons who had the confidence of the people and who had been sent there to represent the wants and wishes of the people. Hon gentlemen who advocated the correctness of such a principle were, in fact seeking to stultify themselves--for it was as much as to say, "We are unworthy of our appointment." Such an assertion was<sup>141</sup> a slander upon the whole House, and upon all the members of the House. He held that it was to be presumed that the services of men with the capacity which won the confidence of their fellow countrymen were alike desirable to crown and country. There were some perhaps who, not having the capacity or character to be trusted or employed by the government, were unwilling that the country should [be] benefitted by the services of others.<sup>142</sup> It might be well that members should not be allowed to hold permanent offices of emolument, because if ever there should be a Government corrupt enough, they might take advantage of that circumstance to secure support. But, as regarded temporary offices, he considered it a slander on members of this house to say that they should be debarred from holding them. If they adopted the principle, they should do so to the full extent, and say that the brothers and brothers-in-law and other relatives of members should not be appointed to offices of emolument, for members were as liable to be influenced by favours to their relatives as by favours to themselves.<sup>143</sup>

MR. PAPIN.--Vote for the bill, and we will put that in, in Committee of the Whole. (Laughter.)<sup>144</sup>

[MR. LYON continued:] If it was meant that the services of the hon. gentlemen were so valuable that they ought not to be sent abroad, why could they not say so? Why assert that hon. gentlemen were corrupted by any employment given them? Hon. gentlemen opposite, were so much afraid of this temptation that he was almost inclined to vote for the bill; and would do so, perhaps, were it not that he did not for a moment believe that the hon. gentlemen on his side of the House were in any such danger.<sup>145</sup> He believed that men of such personal standing and character as to secure a seat in that House, could not, as a general thing, be bought up by the emoluments of temporary employments. While he thought it very often happened that the men who could best perform such services as those referred to were members of Parliament. He therefore thought the bill calculated to prove detrimental to the country and the public service, and should vote against it.<sup>146</sup>

MR. LORANGER après avoir accepté sans scrupule et sans crainte une tâche qui m'était offerte, je me suis efforcé de m'en acquitter avec conscience et il ne m'est pas arrivé un seul instant de penser que ceux qui réclameraient mon aide me demanderaient mon indépendance en échange des services que je leur rendais. Car telle est la situation, M. l'Orateur. On donne à entendre qu'en payant des services rendus, la Couronne fait plus que s'acquitter d'une dette; on donne à entendre qu'elle accorde une faveur et que, par conséquent, elle enchaîne ne serait-ce qu'avec les biens de la reconnaissance.

Avant d'aller plus loin, M. l'Orateur, laissez-moi me poser entièrement en dehors de la question. J'ai fait mon devoir et j'en ai reçu la récompense; je crois que de part et d'autre l'obligation cesse. Quant aux éloges qui m'ont été adressés à brûle-pourpoint par mon honorable ami, le Secrétaire Provincial, j'apprécie le sentiment généreux qui les a dictés; chacun de nous aime la chaleureuse nature qui le fait parler, quelquefois avec exagération lorsqu'il s'oublie pour faire la part du mérite des autres. Quant à ce qui été dit d'intention d'hostilité personnelle, mon coeur et ma raison se refusent à y ajouter foi. Je ne puis pas croire que les députés de l'Assomption et d'Iberville, par exemple, m'aient eu en vue lorsqu'ils ont proposé cette réforme. Je ne puis pas le croire, car s'il en était ainsi, ils seraient indignes de leur mandat. Eussent-ils même des sentiments d'inimitié contre un de leurs collègues, ce qui je suis heureux de le dire n'est pas le cas, ils oublieraient ces sentiments au moment de remplir leurs fonctions de législateurs. Ils ne songeraient qu'au bonheur du peuple et non à la déconfiture de ceux qui leur déplairaient. Et je le répète, s'il n'en était pas ainsi, ils seraient indignes de venir siéger ici revêtus d'un caractère presque sacré, chargés d'une des missions les plus solennelles que l'homme puisse recevoir: celle de faire des lois pour ses semblables. Ne nous occupons donc pas de personnalités et repoussons la question dans l'abstrait.

Un emploi quelconque rémunéré par la couronne met-il en danger l'indépendance du législateur?<sup>147</sup>

MR. MARCHILDON.--Oui.<sup>148</sup>

MR. LORANGER.--L'honorable membre pour Champlain aurait tout aussi bien fait de garder le silence, car il se trouve entièrement hors de la portée du bill. (rires.)

On parle beaucoup d'indépendance et de liberté pour les députés; mais je ne crains pas de dire qu'il est un genre de liberté que les législateurs ne devraient pas avoir: c'est la liberté de parler sur un grand nombre de questions qu'ils n'ont jamais étudiées et auxquelles, au su de tout le monde, ils ne comprennent rien.

Qu'est-ce que l'indépendance, M. l'Orateur, sinon ce noble sentiment qui nous fait agir selon notre conviction, ou plutôt selon l'impulsion de notre conscience? Eh! bien, l'homme dont le gouvernement aura mis les talents à contribution, deviendra-t-il moins consciencieux parce qu'il aura été à même de rendre des services à l'Etat? Ne lui arrive-t-il pas tous les jours de mettre ses talents, comme avocat, comme médecin, comme savant, comme négociant ou administrateur, à la disposition d'un très grand nombre de personnes? et en réalité n'assied-t-il pas sa fortune sur la multiplicité des services qu'il sera appelé à rendre à la communauté? Et pourtant quel est celui qui oserait prétendre que cet homme, jurisconsulte, médecin ou négociant, met sa conscience à la disposition de chacun de ceux qui en demandant son aide ajoutent une assise à l'édifice de sa fortune? Quel est celui qui oserait dire que cet homme s'enchaîne toutes les fois qu'il travaille pour un autre? qu'il prostitue son indépendance toutes les fois qu'il tire parti de ses capacités? Personne ne soutiendrait une telle doctrine; car alors la société honnête deviendrait

impossible et nous ne formerions plus qu'une bande méprisable de viles créatures que le lucre dirigerait vers toutes les extrémités.

Mais survient le gouvernement qui, lui aussi, a besoin de collaborateurs, qui ne peut se passer de talents, qui est en quête de services, quelquefois, le plus souvent même, de services très ardues lesquels il rémunérera bien moins que ne le ferait un simple particulier. Faut-il lui refuser ces services qui doivent contribuer au bien-être de tous? Assurément non. Et permettez-moi de dire que le plus souvent ces services ne sont rendus par des hommes de talent que par cette seule considération qu'ils doivent profiter à tous; car la rétribution offerte par le gouvernement est généralement bien inférieur[e] à celle que donnerait dans le même cas un simple particulier. Eh! bien, cet homme qui a pu rester indépendant en présence des tentations du monde, cet homme qui voit le gouvernement s'adresser à lui, simplement parce que ce gouvernement apprécie ses talents et croit qu'il peut en tirer profit, cet homme s'agenouillera devant la poignée d'or que lui promet l'administration en échange de ses travaux, il s'annihilera devant ce mince veau d'or; il s'avilira; fierté, honnêteté, indépendance, conscience, réputation, il mettra tout de côté, il foulera tout aux pieds pour recevoir cette récompense à laquelle il a déjà droit par ses services rendus. Le monde lui offrirait mille voies d'arriver à la fortune au moyen de ses talents et tout en conservant son honnête indépendance; mais il préfère l'esclavage de la pensée avec ce salaire que lui dispense le gouvernement. C'est là ce que l'on dit. Est-ce logique?

Est-ce conforme aux consciences du coeur humain?

Ah! nous ferons-nous cette injure, nous que le peuple a choisi[s] entre tous les autres, de nous déclarer aux yeux de ce peuple, capables d'une si grande humiliation, doués de si peu de fierté, et si bas dans notre propre estime que nous voulons mettre la plus flétrissante et moins puissante tentation hors de notre portée, de crainte d'y succomber un jour! Que l'hon. député d'Iberville dont le talent n'est point contestable et n'a jamais été contesté, donne de lui-même une plus haute idée. C'est déjà presque une honte qu'on puisse l'accuser d'avoir un instant douté de lui-même et de ceux qui l'entourent.

Le député du comté de Québec a proclamé hautement que lui, un jour, pourrait se laisser séduire par l'or du gouvernement. J'ai de très grands regrets d'avoir entendu de telles paroles sortir de sa bouche. S'il a ainsi parlé, c'est qu'il était de bonne foi; c'est qu'il connaît son coeur et le sait peu bardé contre la tentation. Mais je n'aurais jamais osé porter sur lui un tel jugement. Nous sommes ici cent trente hommes, le choix de la province entière et pourtant d'une si fragile honnêteté, semble-t-on dire, que la vue de l'or fera taire notre conscience! La plupart de nous prostitueront leurs sentiments, leurs opinions! Et si ce n'est pas la plupart, si l'on ne veut se garder que contre quelques exceptions, est-ce juste, à cause de ces exceptions, de passer une loi qui va priver le gouvernement des services de quelques hommes officiels à remplacer? On sait bien que le gouvernement ne peut pas faire fonctionner le (*sic*) grande machine administrative sans l'aide d'hommes capables; on sait bien aussi qu'un corps législatif renferme généralement la plus grande partie des talents produits par un pays et pourtant on ne veut pas que le gouvernement aille chercher dans ce corps les aides dont il ne peut se passer, parce que quelques-uns de ces aides pourraient perdre leur indépendance.

Mais est-ce le cas? Ne voyons-nous pas dans bien des questions, les députés employés par le gouvernement, voter contre le cabinet? Peut-on dire que les membres de l'opposition ne votent pas aussi quelquefois contre leur conscience? N'obéissent-ils pas à une pression continuelle? Et au lieu de tant s'occuper de l'indépendance des députés employés par le gouvernement, ne ferait-on pas tout aussi bien de songer à celle des membres qui aspirent eux-mêmes à devenir gouvernement? Je



sais que tout le long de cette discussion, ma position sera très délicate et un plus prudent que moi aurait peut-être voté sans s'expliquer. Mais comme je compte m'opposer à la motion, je n'ai pas voulu donner un vote silencieux; j'ai voulu expliquer franchement devant la Chambre et le public les motifs qui m'ont déterminé. Cette anné[e], comme pendant la session dernière, je vais donc voter contre cette réforme et j'irai ensuite m'assurer sans crainte si j'ai conservé ou perdu la confiance de mes mandataires, laissant aux petits esprits envieux et méchants la tâche peu méritoire de semer la calomnie, le mensonge et le soupçon partout où ils se présentent.<sup>149</sup>

MR. MARCHILDON spoke at some length in favour of the bill.<sup>150</sup>

MR. BROWN said the house had often heard accusations about bunkum motions, but he was sure this was the first occasion on which they had seen a member of the Government rising up and accusing an hon. member with making a bunkum motion, in introducing a bill which that very member of the Government had himself framed and introduced. (Hear, hear.) He did not think that that was a decent spectacle to exhibit to the country. The Solicitor General might at least have had the delicacy to sit silent and vote without reproaching hon. members who bring forward a bill which they at least consider necessary to secure the purity of legislation, and which many hon. gentlemen opposite had themselves voted for. He was in the house in 1852 when the Solicitor General brought in this bill. He followed that hon. gentleman's lead, and voted for the bill and did not think it a bunkum motion. The public feeling was strongly in favour of the bill, and he thought then as he did now that the hon. Solicitor General rendered good service to the country in introducing it. (Hear, hear.) An incident occurred in the course of that discussion which made some impression on the house, and he would repeat it. The ipsissima verba employed in this bill were employed in the Solicitor General's, and in speaking in favour of it, he (Mr. Brown) stated that there were 18 members who in the course of that Parliament had been directly benefited by the patronage of the Government. There were cries of "name! name!" He said he would not name them, because it would be invidious. But if any hon. member doubted it, he would show him the list, if he came over to his desk after he sat down. Accordingly, when he sat down Mr. Christie, of Gaspé, came to him, and on seeing the list mentioned the names of [an]other 4, whom he (Mr. Brown) had not heard of, making 22 in all! He would very shortly glance at the character of the debate which then took place, just to show in what a lamentable position hon. members placed themselves before the country, when they rose to repudiate all the sentiments they had advocated but a few months before, and to repudiate the very bills which they had themselves introduced.--(Mr. Brown here read extracts from the speeches of Sir Allan McNab, Mr. Sol. Gen. Smith, and others, strongly in favour of the bill.) He was ready to admit there were many members who had conferred on them the patronage of the Government, who were not in the least degree influenced by it, but took it in the natural course of business. Still, if there was not even one member so influenced (though he was sure there were many), what an injurious effect it had on the country. The people see their representatives coming here, and by being here, obtaining this patronage, and the cry against the members of the house arises, that we come here for the purpose of filling our pockets. (Hear, hear.) He did think it would add to the dignity of the house that it would raise the estimate in which it was held by the people, if it was known that by the simple fact of coming there gentlemen incapacitated (sic) themselves from receiving any emoluments whatever from the Crown.--No one could doubt that one of the greatest difficulties we had to contend with under our present form of Government was this, that the Executive exercised by far too great an amount of patronage.

Those who desired to see Responsible Government have a fair trial, who cling to the idea of seeing it thoroughly carried out, must desire to see the patronage of the Crown limited.<sup>151</sup> Nothing more than this could add to the respectability of the House unless it was the abandonment of the plan of voting one way one day, and another, another.<sup>152</sup> Hon. gentlemen when they got into their seats on the Treasury Benches, seemed to think that they were at liberty to use the whole of the patronage at the disposal of the Crown, with the one view of bolstering themselves in office. He did not apply that remark to this Government more than others. It was one of the difficulties of the system, that pressure was brought to bear on hon. members, and what worse pressure could there be upon a Ministry, than the solicitation of members of this house for employments, which members of the Government had at their disposal? He thought, therefore, that the hon. gentleman who had reintroduced the Bill of the Solicitor General deserved the thanks of the country for having done so. The hon. member for Russell (Mr. Lyon) had used as an argument against the bill, that it would amount to a declaration that members of this house were unworthy of being called to the discharge of those duties, which they were called upon to undertake by the Government. He thought the argument was quite the other way--that those duties were not worthy the members of this house; that they were here as legislators and not as Executive officers, and that it devolved on parties outside of the house to be executors of their labours here. (Hear, hear.) It was not reducing the level of members of this house, but it was raising them to a higher level. After pointing out some other arguments in favour of the bill, Mr. Brown read the division on the Solicitor General's bill, to show how strong the division must be on this occasion, unless hon. gentlemen were willing, like the Solicitor General, to forget now how they voted formerly. Among the Yeas were Messrs. Cauchon, Gamble, Lyon,--(Hear, hear)--Murney, Robinson, Shaw, Smith (Frontenac), and Stevenson.<sup>153</sup>

MR. SOL. GEN. H. SMITH.--Read the nays.<sup>154</sup>

MR. BROWN did so, and read the names: Christie, Cameron, Hartman, McDonald, and Rolph. (Loud laughter). Well, those persons had at least advanced in the right direction.<sup>155</sup>

MR. CAMERON could not support the bill, for it was not a measure that met the requirements of the case. It established the rule that if a man received a fee from Government, even five years ago, he would be by that Act, ineligible to a Seat in the Assembly. This bill did not, therefore, put the issue on the true ground. If it had declared that a member receiving any money from the Crown, should be compelled to vacate his seat, and go back to his constituents, asking their approbation or disapprobation of his proceeding; then he (Mr. Cameron) would be prepared to support the measure. He would, therefore, vote against it on its first reading.<sup>156</sup>

[The] amendment that the bill be read this day six months, was then put and carried<sup>157</sup>.

(217)

*Mr. Laberge moved, seconded by Mr. Bourassa, and the Question being proposed, That the Bill be now read a second time;*

*Mr. Solicitor General Smith moved in amendment to the Question, seconded by the*

(218)

*Honorable Mr. Cartier, That the word "now" be left out, and the words "this day six months" added at the end thereof;*

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Alley, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Conger, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Dionne, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Jackson, Labelle, Laporte, LeBoutillier, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, McCann, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, Polette, Poulin, Pouliot, Rhodes, Robinson, Roblin, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Southwick, Spence, Stevenson, Taché, Terrill, and Whitney.--(61.)

## NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Cooke, Charles Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Evanturel, Fergusson, Ferrie, Foley, Frazer, Gamble, Gould, Hartman, Holton, Jobin, Laberge, Lumsden, Roderick McDonald, Mackenzie, Marchildon, Papin, Patrick, Powell, Prévost, Rankin, Rolph, Sanborn, Scatcherd, Thibaudeau, Valois, Wright, and Young.--(42.)

*So it was resolved in the Affirmative.*

*Then the main Question, so amended, being put;*

*Ordered, That the Bill be read a second time this day six months.*

*The Order of the day for the second reading of the Bill to repeal in part the Act to provide a remedy against the City of Quebec in case of injury to property by Riot, being read;*

MR. FERRES moved the second reading of the Bill.... The hon. member explained the nature of the Bill. An Act had been passed shortly after the Gavazzi riots in Quebec--containing a clause to the effect "that whenever any lecture, representation, or performance, exhibition or other public meeting, for admission or entrance to which money shall be required or paid, shall take place, the said Corporation shall not be liable for any demolition or destruction of property at the place where such lecture, representation, performance, exhibition or other public meeting shall take place; unless the permission of the Mayor or of the Council shall have been first had and obtained." This clause he considered infringed the liberties of every British subject, who had the right, undoubtedly, to assemble for any lawful purpose whatever, without receiving the consent of any party. Under the circumstances under which a portion of the people are placed in the Lower Province, it was absolutely necessary that the little freedom they have should not be left at the option, or whim, or caprice of any person whatever. If half a dozen individuals choose to take into their heads to prevent them enjoying their liberty, they may do so under the present law; for that reason he had introduced his Bill to amend that law, by providing that all parties have an indubitable right to meet and discuss in a peaceable and lawful manner, when and where they see fit, all lawful matters of public concernment in which they take an interest, whether of a religious, political, civil, or social character.<sup>158</sup>

MR. ALLEYN did not intend to oppose the law because since last year when he did oppose it the act for incorporating the City of Quebec had passed, and in that act



there was the same principle as that contained in this bill. At a subsequent stage of the bill, he would move to amend it by repealing the whole act, which was now useless. The remarks about liberty in Lower Canada were, however, mere appeals to prejudice.<sup>159</sup> He did not think that one class of the citizens suffered injustice from the other class in the city of Quebec. Such assertions were based upon false principles--and therefore, it was highly unjust that such sweeping charges should be made, merely in consequence of some exceptionfible (sic) case. The law now in force placed lecturers in the city of Quebec upon the same footing as they would be in Toronto or Montreal.<sup>160</sup>

MR. AT. GEN. DRUMMOND concurred fully and cordially in the object which the hon. member ... had in view in introducing this Bill. He thought the enactment which that hon. member wished to set aside, tended to violate the liberty of the subject.<sup>161</sup> The law it proposed to repeal was not only contrary to the rights of British subjects but contrary to those of men.<sup>162</sup> He did not think that it should be left to the decision of any man or any officer whatever, to say whether a man could be allowed to promulgate any doctrine--whatever that doctrine may be. In a country like this, liberty of speech and liberty of action should have no restriction whatever. It should not be fettered. If a man comes forward in a private room or public place to advocate doctrines not palatable to any portion of the community, his advice had always been that these persons so displeased, should stop away. But he thought the injury which might result from the promulgation of doctrines likely to excite a certain portion of the community--whether that portion be in the majority or in the minority, is less dangerous than tampering with liberty of speech and liberty of action in a free country. Therefore he approved of the motives which had actuated his hon. friend in bringing forward this measure, and he hoped it would be passed by this House, because it should not be left to the Mayor of Quebec to say what doctrines should be discussed at a public meeting.<sup>163</sup> While he admitted that there had been occurrences he deplored, he must deny that there was with the exception of this law, which he thought an exception, any restriction of<sup>164</sup> the liberty of any portion of the community ... in Lower Canada. There may be mobs, but he trusted the law will always be sufficient to repress these mobs.<sup>165</sup>

The Bill was [then] read a second time<sup>166</sup>.

(218)

*The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.*

*The Order of the day for the second reading of the Bill to encourage Shipbuilding within this Province, being read;*

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Alleyn, Mr. Solicitor General Smith, Mr. Casault, Mr. Laberge, and Mr. Thibaudeau, to report thereon with all convenient speed; with power to send for persons, papers, and records.<sup>167</sup>*

*The Order of the day for the second reading of the Bill to prevent the issue of Executions against the lands of Testators or Intestates, without notice to the heirs or devisees of such persons, being read;*

MR. CAMERON moved that the Bill ... be read a second time. The hon. member explained the bill at some length.<sup>168</sup>

MR. AT. GEN. J.A. MACDONALD thought the Bill open to grave objections. The question, however, was important and as the Bill was to be referred to a committee he would not object to its second reading.<sup>169</sup>

(218)

*The Bill was accordingly read a second time; and referred to a Select Committee,*

(219)

*tee, composed of the Honorable Mr. Cameron, Mr. Solicitor General Smith, Mr. Angus Morrison, Mr. Foley and Mr. Wilson, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill for the suppression of Lotteries, being read;*

MR. CAMERON moved the second reading.... He said, that within the last four or five years the number of lotteries which had been advertised to take place throughout the country had been very much on the increase. It was nothing but a system of gambling, and such transactions were daily increasing.<sup>170</sup> The evil of these lotteries were deeply felt in this Province, and in addition to these a great evil also arose from those numerous lotteries constantly advertised in the States, and for which tickets are sent out here and offered for sale by agents, and it led to a species of gambling and speculation, far more detrimental to morals than gambling by cards. It had been attempted to put the old English law into operation so as to take proceedings before any justice of the peace against any parties who may be ... detected engaged in these nefarious and demoralizing transactions. The Bill was founded on an Imperial Act of Geo. IV.<sup>171</sup>

In reply to a question by a member,<sup>172</sup>

MR. CAMERON said the Bill would only effect transactions which have taken place before that Act had passed.<sup>173</sup>

MR. AT. GEN. DRUMMOND wished the Bill to be confined to Upper Canada with an existing law.<sup>174</sup> [He] contended, that the Bill was objectionable to Lower Canada, as it affected the drawing for lots of land, termed tirage au sort, a proceeding at present sanctioned by law.<sup>175</sup>

MR. BROWN could not agree with the Attorney General East. The system adverted to by the hon. gentleman was one of those evils very desirable to get rid of, and he thought that the hon. gentleman for Toronto deserved great credit for introducing the Bill. In Upper Canada there was no worse system than that of lotteries, by which people were swindled out of their money. There was nothing so demoralizing to a people as that of encouraging the gambling mania, and to lead people to endeavour to achieve a fortune by the turn of the dice.<sup>176</sup>

MR. AT. GEN. DRUMMOND insisted that it was not to be supposed that the fundamental portion of the law of Lower Canada could be destroyed in relation to the participation between heirs of property. It was provided by the law, that ten or twelve lots should be drawn by chance.<sup>177</sup>

MR. A. DORION (Montreal) said, the partition of such property by the law of Lower Canada was no inheritance to the heir.<sup>178</sup> He supported the Bill from the

conviction, that the parties getting up these lotteries obtained more than three or four times the value of the property; and he was fully convinced that the Bill was calculated to prevent a great amount of swindling and jobbing which was very injurious to the morals of society. He differed also in opinion with the Hon. Attorney General East, as to the Bill interfering with a Lower Canada Act.<sup>179</sup> The extinction of it would be a great boon to both Upper and Lower Canada. The only objection he had was, that the penalties were rather high, and he would recommend a revisal of the same.<sup>180</sup>

MR. PROV. SEC. CARTIER addressed the House at some length against the Bill,<sup>181</sup> [and] contended that the tirage au sort process did not come under the meaning of a lottery.<sup>182</sup>

MR. CAMERON moved to refer the Bill to a select committee composed of Messrs. Attorney General Drummond, Sydney Smith, Murney, Papin and the mover.<sup>183</sup>

The motion was carried.<sup>184</sup>

(219)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Cameron, the Honorable Mr. Attorney General Drummond, Mr. Papin, Mr. Sidney Smith, and Mr. Murney, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*Then, on motion of Mr. Whitney, seconded by Mr. Crysler,  
The House adjourned.*<sup>185</sup>



APPENDIX: 31 MARCH 1856.

[QUESTION AND ANSWER RE: SEAT OF GOVERNMENT.]

MR. LORANGER asked what had been done about the preparation of the estimates for Government buildings.<sup>186</sup>

MR. COM. PUB. WORKS LEMIEUX said his employes were busily occupied with them.<sup>187</sup>

[QUESTION AND ANSWER RE: GRAND JURY.]

MR. A. DORION enquired of the Ministry whether the presentment which was made by the Grand Jury to the Court of Queen's Bench, held in Montreal during the present month of March, has been transmitted to the Government.<sup>188</sup>

MR. PROV. SEC. CARTIER said he had received such a document but had not yet had time to examine it.<sup>189</sup>

[WITHDRAWN MOTION FOR AN ADDRESS RE: APPOINTMENT OF SHERIFF IN ESSEX.]

MR. RANKIN enquired of the Ministry whether a Sheriff had been appointed for the County of Essex.<sup>190</sup>

MR. AT. GEN. J.A. MACDONALD replied that no Sheriff had been appointed as yet.<sup>191</sup>

MR. RANKIN then moved an Address to His Excellency for copies of all applications and recommendations for the office of Sheriff of the County of Essex.<sup>192</sup>

MR. AT. GEN. J.A. MACDONALD said the motion was rather unusual, but the Government had no objection to let it go.<sup>193</sup>

MR. J.S. MACDONALD (Glengary) said he had never heard of a case in which the Government had agreed to a recommendation of this kind.<sup>194</sup>

MR. GAMBLE considered it would establish a very bad precedent.<sup>195</sup>

After some further conversation,<sup>196</sup>

MR. RANKIN said he had reason to believe that he would be put in possession of the information he sought, and he would therefore withdraw his motion.<sup>197</sup>

FOOTNOTES: 31 MARCH 1856.

1. GLOBE, 29 March 1856, specifies that the object of this petition is "to abolish the County Council and the appointment of County Superintendent, and to maintain the Local Municipal County of each parish or township." This information concurs with the information found in the Index to the JOURNALS, which reports that this petition, along with the petition from the Municipal Council of Ottawa read on page (210) 971, is for the "abolition of the County Councils, and establishment of Local Councils".
2. GLOBE, 29 March 1856, specifies that the petition is "praying that roads may be opened to encourage the settlement of the wild lands in the rear of the County of Kamouraska and Rimouski, and that the timber on the said lands be reserved for the use of the settlers, and that the township known as the Indian township, be opened to settlement on the same conditions as other townships."
3. GLOBE, 29 March 1856, reports that the petition prays "for authority to compel the director of the Grand Trunk Railway to run a direct road from Stratford to Port Sarnia."
4. MORNING CHRONICLE, 2 April 1856.
5. GLOBE, 1 April 1856.
6. IBID.
7. TORONTO DAILY LEADER, 1 April 1856.
8. GLOBE, 1 April 1856.
9. MONTREAL GAZETTE, 2 April 1856.
10. TORONTO DAILY LEADER, 1 April 1856.
11. GLOBE, 1 April 1856.
12. IBID.
13. TORONTO DAILY LEADER, 1 April 1856.
14. GLOBE, 1 April 1856.
15. TORONTO DAILY LEADER, 1 April 1856.
16. GLOBE, 1 April 1856.
17. TORONTO DAILY LEADER, 1 April 1856.
18. GLOBE, 1 April 1856.
19. TORONTO DAILY LEADER, 1 April 1856.
20. GLOBE, 1 April 1856.
21. TORONTO DAILY LEADER, 1 April 1856.
22. GLOBE, 1 April 1856.
23. TORONTO DAILY LEADER, 1 April 1856.
24. GLOBE, 1 April 1856.
25. TORONTO DAILY LEADER, 1 April 1856.
26. TORONTO DAILY LEADER, 1 April 1856. GLOBE, 1 April 1856, concurs with this account and also reports that Mr. DeWitt "was nearly inaudible in the gallery".
27. MONTREAL GAZETTE, 2 April 1856.
28. TORONTO DAILY LEADER, 1 April 1856.
29. GLOBE, 1 April 1856.
30. MONTREAL GAZETTE, 2 April 1856.
31. IBID.
32. GLOBE, 1 April 1856.
33. TORONTO DAILY LEADER, 1 April 1856.
34. GLOBE, 1 April 1856.
35. MONTREAL GAZETTE, 2 April 1856.
36. GLOBE, 1 April 1856.
37. IBID.
38. NIAGARA MAIL, 16 April 1856.

39. MONTREAL GAZETTE, 2 April 1856.
40. GLOBE, 1 April 1856.
41. TORONTO DAILY LEADER, 1 April 1856. The ellipsis represents an illegible word.
42. MONTREAL GAZETTE, 2 April 1856.
43. GLOBE, 1 April 1856.
44. TORONTO DAILY LEADER, 1 April 1856.
45. IBID.
46. MONTREAL GAZETTE, 2 April 1856.
47. TORONTO DAILY LEADER, 1 April 1856.
48. MONTREAL GAZETTE, 2 April 1856.
49. TORONTO DAILY LEADER, 1 April 1856.
50. LA MINERVE, 16 April 1856.
51. TORONTO DAILY LEADER, 1 April 1856.
52. GLOBE, 1 April 1856.
53. TORONTO DAILY LEADER, 1 April 1856.
54. GLOBE, 1 April 1856.
55. MONTREAL GAZETTE, 2 April 1856.
56. TORONTO DAILY LEADER, 1 April 1856.
57. GLOBE, 1 April 1856.
58. TORONTO DAILY LEADER, 1 April 1856.
59. IBID.
60. GLOBE, 1 April 1856.
61. GLOBE, 1 April 1856. This newspaper differs from the JOURNALS in its report of the members to be put on the Committee. TORONTO DAILY LEADER, 1 April 1856, differs both from the Globe and from the JOURNALS, and reports the following names: "Hon. Attorney General Drummond, Hon. Mr. Cameron, Messrs. Ferrie, Young, Holton, Dorion, Thibaudeau, Mongenais."
62. GLOBE, 1 April 1856.
63. TORONTO DAILY LEADER, 1 April 1856.
64. MONTREAL GAZETTE, 2 April 1856.
65. TORONTO DAILY LEADER, 1 April 1856. The bill referred to by Mr. H. Smith--to which Messrs. Hartman and Gamble will also later refer--is that of Mr. Sanborn in respect to patent laws, which has been introduced on the 14th March 1856. This bill is still awaiting its second reading.
66. MONTREAL GAZETTE, 2 April 1856.
67. GLOBE, 1 April 1856.
68. TORONTO DAILY LEADER, 1 April 1856.
69. GLOBE, 1 April 1856.
70. IBID.
71. TORONTO DAILY LEADER, 1 April 1856.
72. IBID.
73. GLOBE, 1 April 1856.
74. TORONTO DAILY LEADER, 1 April 1856.
75. GLOBE, 1 April 1856.
76. TORONTO DAILY LEADER, 1 April 1856.
77. GLOBE, 1 April 1856.
78. MONTREAL GAZETTE, 2 April 1856.
79. GLOBE, 1 April 1856.
80. There appears to be confusion in the JOURNALS in regard to this manufacturer's name. When the petition of this gentleman was first presented and read in the House, it was registered under the name of P. Manny. This name is also given in the Fourth Report of the Standing Committee on Standing Orders, presented on



the 7th March 1856; as well, the information relating to this gentleman has been inserted in the Index to the JOURNALS under "P. Manny".

The newspapers reporting information regarding Mr. Merritt's motion for the introduction of this Bill all concur with today's JOURNALS, and report the gentleman's name as P. Manning.

81. GLOBE, 1 April 1856, and TORONTO DAILY LEADER, 1 April 1856, both mention that the second reading of this Bill is for Tuesday next.
82. TORONTO DAILY LEADER, 1 April 1856.
83. IBID.
84. GLOBE, 1 April 1856.
85. TORONTO DAILY LEADER, 1 April 1856. This newspaper has already reported the introduction of this Bill in its issue covering the proceedings of Friday, 28 March 1856.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. TORONTO DAILY LEADER, 1 April 1856. In its synopsis of debates, this newspaper points out that Mr. Scatcherd moved an Address "in reference to the salaries of the Clerks of the Peace in Upper Canada, with a view to increasing their present small incomes."
96. TORONTO DAILY LEADER, 1 April 1856.
97. IBID.
98. IBID.
99. IBID.
100. TORONTO DAILY LEADER, 1 April 1856. GLOBE, 1 April 1856, specifies that the motion was carried "after some discussion".
101. TORONTO DAILY LEADER, 1 April 1856. According to this newspaper, the six o'clock recess occurred just before Mr. Mackenzie moved this Address. It also reports that "the Speaker took the chair shortly before 8 o'clock."
102. TORONTO DAILY LEADER, 1 April 1856.
103. TORONTO DAILY LEADER, 1 April 1856, specifies that the expenditure inquired into is of "82,295L 11s. 4d."
104. TORONTO DAILY LEADER, 1 April 1856.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. HAMILTON SPECTATOR SEMI-WEEKLY, 5 April 1856.
111. GLOBE, 1 April 1856.
112. HAMILTON SPECTATOR SEMI-WEEKLY, 5 April 1856.
113. GLOBE, 1 April 1856.
114. MONTREAL GAZETTE, 2 April 1856.
115. GLOBE, 1 April 1856.
116. TORONTO DAILY LEADER, 1 April 1856.
117. GLOBE, 1 April 1856.

118. MONTREAL GAZETTE, 2 April 1856.
119. GLOBE, 1 April 1856.
120. MORNING CHRONICLE, 4 April 1856.
121. GLOBE, 1 April 1856.
122. MONTREAL GAZETTE, 2 April 1856.
123. GLOBE, 1 April 1856.
124. MONTREAL GAZETTE, 2 April 1856.
125. GLOBE, 1 April 1856.
126. LA MINERVE, 16 April 1856.
127. TORONTO DAILY LEADER, 1 April 1856.
128. LA MINERVE, 16 April 1856.
129. IBID.
130. IBID.
131. IBID.
132. TORONTO DAILY LEADER, 1 April 1856.
133. GLOBE, 1 April 1856.
134. MONTREAL GAZETTE, 2 April 1856.
135. GLOBE, 1 April 1856.
136. MONTREAL GAZETTE, 2 April 1856.
137. GLOBE, 1 April 1856.
138. TORONTO DAILY LEADER, 1 April 1856.
139. MONTREAL GAZETTE, 2 April 1856.
140. IBID.
141. TORONTO DAILY LEADER, 1 April 1856.
142. MONTREAL GAZETTE, 2 April 1856.
143. GLOBE, 1 April 1856.
144. IBID.
145. TORONTO DAILY LEADER, 1 April 1856.
146. MONTREAL GAZETTE, 2 April 1856.
147. LA MINERVE, 16 April 1856.
148. IBID.
149. IBID.
150. TORONTO DAILY LEADER, 1 April 1856.
151. GLOBE, 1 April 1856.
152. MONTREAL GAZETTE, 2 April 1856.
153. GLOBE, 1 April 1856.
154. MONTREAL GAZETTE, 2 April 1856.
155. MORNING CHRONICLE, 4 April 1856.
156. TORONTO DAILY LEADER, 1 April 1856.
157. TORONTO DAILY LEADER, 1 April 1856. MACKENZIE'S WEEKLY MESSAGE, 4 April 1856, LE PAYS, 10 April 1856, and LE PAYS, 12 April 1856, report commentaries on this debate.
158. TORONTO DAILY LEADER, 2 April 1856.
159. MONTREAL GAZETTE, 2 April 1856.
160. TORONTO DAILY LEADER, 2 April 1856.
161. IBID.
162. MONTREAL GAZETTE, 2 April 1856.
163. TORONTO DAILY LEADER, 2 April 1856.
164. MONTREAL GAZETTE, 2 April 1856.
165. TORONTO DAILY LEADER, 2 April 1856.
166. TORONTO DAILY LEADER, 2 April 1856. GLOBE, 1 April 1856, summarizes the discussion by reporting that the Bill "was after a short conversation, read a second time".

167. TORONTO DAILY LEADER, 2 April 1856, mentions the Bill was "read a second time without discussion."
168. TORONTO DAILY LEADER, 2 April 1856.
169. IBID.
170. GLOBE, 1 April 1856.
171. TORONTO DAILY LEADER, 2 April 1856.
172. IBID.
173. IBID.
174. IBID.
175. GLOBE, 1 April 1856.
176. IBID.
177. IBID.
178. IBID.
179. TORONTO DAILY LEADER, 2 April 1856.
180. GLOBE, 1 April 1856.
181. TORONTO DAILY LEADER, 2 April 1856.
182. GLOBE, 1 April 1856.
183. IBID.
184. IBID.
185. TORONTO DAILY LEADER, 2 April 1856, reports that the House adjourned "at half-past Eleven".
186. Telegraph (MORNING CHRONICLE, 1 April 1856.)
187. IBID.
188. GLOBE, 1 April 1856.
189. Telegraph (MORNING CHRONICLE, 2 April 1856.)
190. GLOBE, 1 April 1856.
191. IBID.
192. IBID.
193. IBID.
194. IBID.
195. IBID.
196. IBID.
197. IBID.



TUESDAY, 1 APRIL 1856

(219)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Loranger,--The Petition of George Rodgers and others, of the Parish of St. Martin; the Petition of James Copping and others, of Rawdon; the Petition of R. Harrower and others, of William Henry; the Petition of J. Porter and others, of the City of Ottawa; the Petition of James G. Johnson and others, of the Parish of Ste. Thérèse de Blainville; and the Petition of William Holmes and others, of the City of Montreal.

By Mr. Masson,--The Petition of the Municipality of the Parish of St. Polycarpe, County of Soulanges; the Petition of Alexander Perry and others, of the Parish of St. Zotique, County of Soulanges; and the Petition of the Reverend Joseph Duguet and others, of the Parish of Ste. Thérèse de Blainville.

By Mr. Taché,--The Petition of Jonathan Noble, residing at La Fourche on the Kempt Road; the Petition of the Reverend G.S. Marceau and others, of the Parishes of St. Simon and St. Fabien; the Petition of the Canadian Institute of St. Hyacinthe; the Petition of the School Commissioners of the Municipality of Lessard, Township of Ste. Luce; and the Petition of Malcolm Fraser, residing on the Kempt Road.

By Mr. Crawford,--The Petition of the President and Directors of the Brockville and Ottawa Railway Company.

By Mr. Matheson,--The Petition of Jesse Delong and others, of the Township of Blenheim.

By Mr. Larwill,--The Petition of the Town Council of the Town of Chatham.

By Mr. Fergusson,--The Petition of the Town Council of the Town of Guelph.

By Mr. Octave Cyrille Fortier,--The Petition of the Very Reverend A. Mailloux, V.G., and others, of the County of Bellechasse.

By Mr. Jean Baptiste Eric Dorion,--The Petition of John Murphy and others, of the Parish of Tingwick.

By Mr. Whitney,--The Petition of the Municipality of the Township of Dunham, County of Missisquoi; two Petitions of Louis Bourdon, Mayor, and others, of the Parish of St. Romuald de Farnham; and the Petition of the Reverend T.N. Jersey and others.

By the Honorable Mr. Young,--The Petition of J. Wood and others, on behalf of the Congregation of Zion Church, Montreal; and the Petition of the Board of Trade of Montreal.

(220)

By Mr. Macbeth,--The Petition of Robert March and others, of Dunwich and Southwold, County of Elgin.

By Mr. Conger,--The Petition of John Bell and others, of the Township of Smith.

By Mr. Burton,--The Petition of the Municipality of the Township of Hope; the Petition of James Scott, Mayor, on behalf of a Public Meeting of the Inhabitants of the Town of Port Hope; and the Petition of the Reverend Jonathan Short and others, of Port Hope.

By Mr. Darche,--The Petition of the Reverend Joseph Braithwaite and others, of the County of Chambly; and the Petition of F.O. Perrault and others.

By Mr. Patrick,--The Petition of the Ottawa and Prescott Railway Company.

By Mr. Lyon,--The Petition of E. Billings, of the City of Ottawa.

By Mr. Rhodes,--The Petition of Z. Goff and others, of Leeds, County of Megantic; and the Petition of William Robertson and others, of New Liverpool.

By the Honorable Mr. Merritt,--The Petition of George May and others, of the Township of Grantham, County of Lincoln; the Petition of the Town Council of the Town of St. Catharines; and the Petition of Samuel Wood, of the Township of Grantham, County of Lincoln.

By Mr. Cooke,--The Petition of Mrs. Martha Church and others, Daughters of Temperance, of the Township of Hull.

By Mr. Hartman,--The Petition of Thomas O'Rourke and others, of the Town of Guelph.

By Mr. James Smith,--The Petition of the Municipal Council of the United Counties of Northumberland and Durham; and the Petition of the Town Council of the Town of Cobourg.

By Mr. Wright,--The Petition of James Leslie and others, of School Section No. 6, Township of York.

By Mr. Brown,--The Petition of R.D. Mackay and others, of Wellesley; the Petition of the Reverend William Lohead and others, of the Township of Osgoode; the Petition of G. Richardson and others, of the Township of Howard; and the Petition of Robert Roger and others, of the western part of the Township of Fullarton.

By the Honorable Mr. Cartier,--Two Petitions of the Right Reverend the Bishop of Cydonia, Administrator of the Diocese of Montreal.

By Mr. Wilson,--The Petition of John J. Harrison and others, of the City of London; the Petition of William Rowland and others, of the City of London; and the Petition of the Reverend James Skinner and others, of the Township of London.

Mr. Sidney Smith, from the Standing Committee on Standing Orders, presented to the House the Ninth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Petitions, and find the Notice given thereon sufficient, viz:--Of Robert Donaldson and others, for erection of certain concessions of Chatham into a certain Municipality; of the Vaudreuil Railway Company; of Henry Spencer Papps, of the City of Hamilton; of the Mayor, Aldermen, and Commonalty of the City of London, for power to consolidate their debt; of Noah Jackson and others, of Aylmer, for power to dispose of the Presbyterian Church property in Hull; of Samuel Zimmerman and others, of the Village of Elgin, for incorporation of that Village; of Robert Hobson and others, of the Township of Stamford, for an Act to authorize the closing and sale of a certain Road allowance; of R.A. Fyfe and others, for the incorporation of the Baptist Theological Education Society; of Messieurs Knapp and Holmes and others, for incorporation of the Canada Marine Insurance Com-

(221)

pany; of Hervey Killam; and of George Robinson Van Norman, of the Town of Simcoe, and others, for the confirmation of their Titles to certain Lands.

On the Petition of Joseph Walker and others, Reeves of Brant and other Townships, County of Bruce, for incorporation of the Saugeen Harbour Company, Your Committee find that no local Notice has appeared, there being no newspaper published in the County of Bruce, the nearest being in the adjoining County of Huron, to which Bruce is united. Notice has however been given in the Canada Gazette for two months, and Your Committee submit to Your Honorable House to decide how far the spirit of the Rule may have been complied with.

On the Petition of William Allan and others, of the Township of Chinguacousy, for the separation of Peel from York, it appears that no Notice has been published.

The Petitions of the Kingston General Hospital; of Mrs. June Freligh, of the Village of Frelighsburg, widow of the late John Hutchison, for incorporation of the Frelighsburg Academy; and of John Meikle, Chairman, and John W. Gibson, Secretary, of

the Lachute Academy, for an Act of incorporation, are not of such a nature as to require publication of Notice.

On motion of Mr. Aikins, seconded by Mr. Hartman,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return shewing the amounts of land originally held by the Toronto General Hospital for the benefit of that charity, the quantity of lands disposed of, the value of the same, the dates of sale, and to whom sold; the income and expenditure of that Institution from the time of the Union, the sources of revenue, including the annual amount of pay patients, and the amount actually received from the same; the number of patients admitted annually, the classification or nature of their disease, the number of convalescent Patients discharged, the number discharged as incurable; also, the number of deaths, the nationality of patients so far as can be ascertained; and also a copy of all correspondence that has passed between the late or present Government and the Hospital Trustees in reference to the removal of the said Hospital to its present unhealthy location; and also any correspondence that may have passed between the same in relation to the disposal of any of these lands.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Foley, seconded by Mr. Cooke,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a List of all the Names of all Crown Land Agents in Upper and Lower Canada who have neglected to make the Returns required by Law; and also of such Agents as are now in arrear.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Angus Morrison have leave to bring in a Bill to authorize the Court of Chancery, and the Courts of Queen's Bench and Common Pleas in Upper Canada, to admit Henry Spencer Papps to practise as a Solicitor and Attorney.

He accordingly presented the said Bill to the House, and the same was received

(222)

and read for the first time; and ordered to be read a second time on Thursday next.

MR. YOUNG, in the absence of Mr. A.A. Dorion, moved an address to his Excellency for copies of the decision of the judges under the Seigniorial Act.<sup>1</sup>

MR. AT. GEN. DRUMMOND said he had telegraphed to Quebec for copies, and he expected that they were now on the way.<sup>2</sup>

(222)

On motion of the Honorable Mr. Young, seconded by Mr. Holton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return of copies of the decision of the Judges under the Seigniorial Act.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.



*Ordered, That Mr. Foley have leave to bring in a Bill to naturalize Hervey Killam, of the Township of Townsend, in the County of Norfolk.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

*Ordered, That Mr. Foley have leave to bring in a Bill to confirm the respective Titles of George Robinson Van Norman and others, to certain Lands in Windham and Simcoe, in the County of Norfolk.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.*

MR. AT. GEN. J.A. MACDONALD moved for leave to introduce a Bill to amend the Clergy Reserves Act, 18 Vic. cap. 2. He explained that in that Act it was provided that the unappropriated funds on the 31st December of each year should be divided by the Receiver General among the several city and county municipalities according to their population as shown by the last census or any subsequent census to be taken for the purpose.<sup>3</sup> The last general census having been however taken in 1851, it would not in his opinion be a fair mode of distribution according to that census, as many municipalities now populous were mere skeletons at that time. Neither did it appear to him prudent to take a special census, as the cost of doing so would be very great, and would swallow up a large portion of the fund to be divided. The new Bill provided therefore that the money should be distributed according to the number of rate payers appearing on the assessment rolls annually in each Municipality, as it was but fair to suppose that in rural districts, especially, the number of rate payers on the assessment rolls would indicate pretty nearly the gross number of the population--that is to say, if there was one having fifty rate payers on the roll, and another having one hundred rate payers, it was but fair to suppose that the one Municipality was twice as populous as the other. The Bill also provided that instead of the money being divided annually amongst city and county Municipalities, it should be divided amongst all the Municipalities, including those of towns, cities, townships and incorporated villages. This, in his estimation, did no injustice to the county municipalities, because the county municipality was but the aggregation of the township municipalities, and the county council was composed of the Reeves and Deputy Reeves of the smaller municipalities. The consequence was that if the county councils wanted money for any county purpose whatever, the mode of collecting it was by giving notice to each smaller municipality of the amount which it must raise for the county purposes. As an additional reason for dividing the fund amongst the smaller municipalities they might apply it to common school purposes, which the county council could not.<sup>4</sup> By this arrangement the common school fund, especially in the younger municipalities might be very materially assisted.<sup>5</sup> The bill provided also for the annual return by the Clerk of each municipality of a sworn certificate as to the number of rate payers for that year, and in case of any erroneous return being made, or if it be found that any municipality has got more money than its proper share, such excess shall be a debt due to the Crown, and recoverable from the municipality as such.<sup>6</sup>

MR. HARTMAN said he did not intend to oppose the bill in any way, but he did not approve of the principle of carrying the disposition of the fund down to the minor municipalities. He thought this was a mistake<sup>7</sup>. The amounts thus coming to the several small municipalities would be so inconsiderable that he feared very little good would be done by it<sup>8</sup> than if left in the hands of city and county municipalities alone. The county councils were generally composed of the best municipal councillors in the county, and as such they were better prepared to make such an

appropriation of the money as would best promote the interests of the country, than the township councils could. Of course the principle is the same, whether it is given to the township or the county council, it is under the management of the people. The hon. member for North Ontario had just put the question to the Ministry if they intended to introduce any measure making provision for the management and support of grammar schools during the present year--and he had been answered in the negative. He (Mr. Hartman) did hope that the Government would have made some provision for the better endowment of Grammar Schools out of this fund. The common schools of Upper Canada were generally well supported; but a great want is felt for a higher grade of [s]chools<sup>9</sup>, something between Common Schools and Universities.<sup>10</sup> (Hear, hear). He did hope, therefore, that out of this fund there might be some provision made for the support of grammar schools in all the counties, and in many of the townships of Upper Canada. Without such aid it will not be possible to do so.<sup>11</sup> But if the division was made so small as was now intended, each township would have too petty a sum for such a purpose, and of course no schools would be established, whereas if the County Councils had the money,<sup>12</sup> each county might establish one for every two or three townships, and the more populous counties might establish one in every township<sup>13</sup>; and he was satisfied the fund would in every way be better managed. If however, it was handed over to the township councils the greater part of it would be frittered away.<sup>14</sup>

MR. POST. GEN. SPENCE said it was not the time to discuss this bill, nor did he intend to speak upon it, but he understood the hon. member for North York to say that he would desire the county councils to control this fund. That hon. gentleman has been for some time a Warden of the United (sic) Counties of York and Peel, and his sympathies were consequently more drawn towards county legislation than township legislation. If, as that hon. member says, the Reeves and Deputy Reeves are generally the ablest men in the county, then he was satisfied that there would be (sic) as much safety and as much propriety in leaving these funds<sup>15</sup> in the hands of town and township municipalities, as in those of county municipalities. Even if it went to the latter there was no security for the fund being appropriated to Grammar Schools, as the hon. member for York desired. It would more probably be devoted to the payment of county debts.<sup>16</sup> It is the combination of the village, town, and township influences, that gives power to the county municipality. Without this combination there would be no power in the county council (sic) whatever. He was quite sure the country would hail with the greatest satisfaction the exertions made to diffuse this large sum of money over the whole of the municipalities of Canada, and while the hon. gentleman's remark was correct that this fund would be well managed by the county council, it is quite possible that it may be equally well managed by the minor municipalities.<sup>17</sup>

MR. MACKENZIE said it appeared from this bill that [the] hon. Attorney General was about to give some of this Clergy Reserve money into the hands of the people; if so, he was content to live no longer. If he could but from some Pisgah height see one sixpence of this money given to the people he would willingly "shuffle off this mortal coil."<sup>18</sup> But, among the lawyers and parsons of that poor ill-used Church of England, he feared there would at last be nothing to divide.<sup>19</sup>

MR. S. SMITH.--Question!<sup>20</sup>

MR. MACKENZIE.--Yes; when Port Hope gets its share of the division, it will want it badly enough.<sup>21</sup> Now, that it would seem the people were about to get something, he was desirous to know how much this poor miserable church--the Church of England

had got.<sup>22</sup> Some six or eight weeks ago an address was passed for a return, showing what amount had gone to the Church of England, how much to the Church of Scotland, how much to the Roman Catholics, and how much to the people. He thought the Government were to blame for having delayed this information so long.<sup>23</sup> (Question, question.) O, yes, he was at the question.--In times like these, when they hear that the Grand Trunk Railway has caved in, it was absolutely necessary they should understand how this money was disposed (sic) of.<sup>24</sup> In fact, the management of the country was a job all round. But what he wanted to know was, how we were to get along. There were grave statements made about people getting money, how were we to get it? Where was it to come from?<sup>25</sup>

MR. BROWN.--From the Grand Trunk.<sup>26</sup>

MR. MACKENZIE.--That cannot be, because the Grand Trunk has collapsed--<sup>27</sup>

MR. SICOTTE the SPEAKER.--Order.<sup>28</sup>

MR. MACKENZIE.--Yes, he wished they had kept that concern in order, but it was of no use, they had given in. He would not object to the bill, but he was astonished at the idea of money from this fund being about to be divided among the people.<sup>29</sup> He believed it would go to the land jobbers and speculators, whom this house was particularly anxious to favour.<sup>30</sup>

The bill was then read a first time<sup>31</sup>.

(222)

*Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to amend the Act 18 Vic. cap. 2.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.*

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--*

*Mr. Speaker,*

*The Legislative Council have passed the following Bills, without Amendment, viz:--*

*Bill, intituled, "An Act to amend the Act for establishing the freedom of Banking;"*

*Bill, intituled, "An Act to provide for the holding of an additional Term of the Appeal side of the Court of Queen's Bench for Lower Canada, in the present year."*

*And then he withdrew.*

*The Honorable Mr. Cartier, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency:--*

*And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--*

*Edmund Head.*

*The Governor General transmits for the information of the Legislative Assembly, copies of Reports of the Judges of Superior Courts for Upper Canada, and Presentments of Grand Juries and other Papers on the subject of Gaols.*

*Government House,*

*Toronto, April 1st, 1856.*

*For the accompanying Documents, see Appendix (No. 34.)*



MR. PROV. SEC. CARTIER moved, that the house resolve itself into Committee of the Whole, to take into consideration a series of resolutions on the subject of the encouragement of Superior Education, and the establishment of Normal Schools in Lower Canada. The resolutions were to the following effect, that it is expedient,—

1. That a permanent fund be established for the promotion of superior Education in Lower Canada.

2. That the estates and property of the late order of Jesuits be appropriated as the capital of such fund; and that all monies arising, as capital, from the sale or commutation of any portion thereof, be invested as part of such fund.

3. That the revenues and interests arising from the said fund, with the unexpended and unclaimed yearly balances of the Common School Fund for Lower Canada, and a yearly sum of five thousand pounds from the Consolidated Revenue Fund of this Province, with such further sum (if any) from the Lower Canada School Fund, as may be necessary to make up a total of twenty-two thousand pounds yearly, be appropriated as an Income Fund, applicable yearly to the purposes aforesaid.

4. That the amount of the said Income Fund or such portion thereof as the Governor in Council may direct, and except such as may be required for other purposes under the following resolutions, be yearly apportioned by the Superintendent of Schools for Lower Canada, in such manner and amongst such Universities, Colleges, Seminaries, Academies, High or Superior Schools, Model Schools, and Educational Institutions other than the ordinary Elementary Schools, as the Governor in Council shall approve, and subject to such conditions as he may direct.

5. That such sum as the Governor in Council may direct, not exceeding five hundred pounds in any year, be yearly appropriated as an aid towards the formation of Parish or Township Libraries, in localities where adequate contributions may have been made for the same purpose.

6. That the Governor in Council be authorized to adopt all needful measures for the establishment of one or more Normal Schools in Lower Canada, containing one or more Model Schools, for the instruction and training of teachers, to select the site or sites for the same, and to erect or procure the requisite buildings and appurtenances.

7. That a sum not exceeding one thousand five hundred pounds be yearly applied out of the Common School Fund for Lower Canada, for the salaries of officers and contingent expenses of such Normal Schools (*sic*) or Schools; and a further sum not exceeding one thousand pounds yearly, as an aid to facilitate the attendance of teachers at the said Normal School or Schools; with power to the Governor in Council to apply to the said purposes a further sum not exceeding two thousand five hundred pounds out of the said income fund, if the sums first mentioned be found insufficient.

8. That a sum not exceeding two thousand pounds be yearly set apart, appropriated and invested under the orders of the Governor in Council, to form, with the proceeds of any property already acquired for Normal School purposes in Lower Canada and not deemed suitable therefore, a building fund to defray the expense of providing the necessary sites, buildings and appurtenances for the said Normal School or Schools.

9. That the sum of five thousand pounds be appropriated yearly out of the Consolidated Revenue Fund for the encouragement of Superior Education in Upper Canada, to be distributed by an annual parliamentary vote, among the Collegiate Educational Institutions in that portion of the Province, or such of them as the Legislature shall designate.

Mr. Cartier ... [then] addressed the house at great length in French.<sup>32</sup> Ainsi que l'indiquent les résolutions que je viens de lire, nous nous proposons, M. l'Orateur, de créer un fonds permanent pour l'encouragement de l'enseignement supérieur

dans le Bas-Canada. Ce fonds, formé par le bien des jésuites capitalisé par le surplus annuel du fonds des écoles communales du Bas-Canada, une allocation annuelle de cinq mille louis tirée du fonds du revenu consolidé de la province et, s'il est nécessaire, une autre allocation sur le fonds des écoles du Bas-Canada, devra produire un revenu annuel de vingt-deux mille louis, dont dix-sept mille seront distribués aux institutions d'enseignement secondaire, cinq cents seront mis à part pour aider les communes à former des bibliothèques publiques, deux mille cinq cents seront destinés à l'entretien des écoles normales et deux mille enfin seront capitalisés pour aider à l'achat de terrains et à la construction d'écoles normales dans le Bas-Canada.

D'un autre côté, pour balancer les cinq mille louis enlevés au fonds du revenu consolidé de la province, en faveur du Bas-Canada, nous proposons par la 9e résolution, d'allouer sur ce même fonds une somme égale qui sera répartie selon les directions de la Législature entre les établissements d'enseignement supérieur dans le Haut-Canada. La première de ces résolutions, M. l'Orateur, ne demande aucune explication. Chacun de nous comprend la nécessité d'asseoir sur des bases durables les institutions de l'enseignement supérieur. Le pays demande à grands cris des écoles normales et nous ne pourrions songer à faire droit à sa requête, si nous n'avions à notre disposition un fonds permanent, sur lequel nous puissions toujours compter. Mais il est une autre considération qui nous fait désirer la création de ce fonds: c'est celle de l'économie; et cette considération me conduit naturellement à quelques explications relatives à la seconde résolution.

Tels qu'ils sont administrés aujourd'hui, les biens des jésuites ne produisent pas tout le revenu qu'on pourrait en attendre. Ces biens consistent en seigneuries situées dans les districts de Québec, de Trois-Rivières et de Montréal et en divers immeubles d'une nature improductive. Mais, seigneuries et biens improductifs exigent des agents, des gardiens, des intendants et ce n'est pas trop de dire que les salaires de ces employés absorbent sur le revenu brut une somme de mille louis par an, représentant un capital de 20,000 louis.

Ce n'est pas tout, il arrive bien des fois que quelques-uns de ces immeubles sont vendus et, faute d'avoir un fonds permanent le produit de ces ventes est employé comme revenu. Qu'en résulterait-il? c'est que peu à peu nous diminuons ces biens et arriverait un jour où nous les aurions réduits à zéro; tandis qu'en capitalisant ces propriétés et nous contentant de ne toucher qu'aux intérêts, nous aurons sans cesse à notre disposition des sommes considérables.<sup>33</sup> Il propose d'autoriser le placement de l'argent provenant des commutations de ces biens, en débentures provinciales ou autres sécurités. Faisant ensuite le calcul des revenus probables des biens des Jésuites et des intérêts des arrérages accumulés de ce fonds, il dit qu'il<sup>34</sup> est à présumer que ce revenu annuel (sic) ne s'élèvera pas à moins de quinze à seize mille louis. A cette somme viendront s'ajouter l'excédant des allocations votées par la Législature en faveur des écoles communales, une part du revenu consolidé et une allocation sur le fonds de l'enseignement primaire du Bas-Canada, de manière à pouvoir parfaire la somme de 22,000 louis. Oui, M. l'Orateur, nous aurons à notre disposition 22,000 louis par an pour l'enseignement supérieur dans le Bas-Canada; tandis que jusqu'à présent le gouvernement n'a jamais pu disposer d'au-delà de 20 ou de 21 mille louis en faveur des institutions secondaires. Jusqu'à ces dernières années même, on n'a jamais consacré plus de cinq à six mille louis<sup>35</sup> [OU] 5,000L à 10,000L<sup>36</sup> à cette cause.

J'ai déjà dit, en expliquant mes résolutions, que de cette somme considérable de 22,000 louis, 17,000 seraient affectés à l'entretien des écoles supérieures de toutes sortes, telles que Universités, Collèges, Séminaires, Académies, Ecoles supérieures, Ecoles modèles, enfin toutes institutions d'enseignement autres que les Ecoles primaires ou d'enseignement élémentaire.

Mais la difficulté dès le premier abord, paraîtra consister dans la répartition de cette somme entre tant d'aspirants. J'avoue qu'il a été presque impossible jusqu'à présent d'obtenir une distribution équitable de ces allocations. Mais, pour obvier à ces inconvénients, voici les précautions qui seront adoptées. Les demandes de subventions devront être<sup>37</sup> [adressées] non pas au parlement, mais au surintendant de l'éducation, chaque année<sup>38</sup> avant les premiers jours du mois d'août, accompagné[s] des rapports déjà exigés par la loi et donnant, en outre, des renseignements sur quelques points, tels que le nombre de livres possédés par l'institution, la valeur de son musée, de son cabinet de physique, de son laboratoire, de la collection d'instruments de mathématiques et le total de ses dettes et de ses propriétés. Ces renseignements seront utiles parce qu'il n'est pas à présumer qu'une institution ait besoin, chaque année, de la même subvention et comme ces subventions ne sont pas permanentes, mais simplement destinées à tirer les établissements des embarras pécuniaires où ils pourront se trouver, elles seront calculées selon les besoins respectifs de chaque école pendant l'année et dans quelques cas pourront même être discontinuées.<sup>39</sup> Il pourrait survenir des difficultés momentanées qui réclameraient quelque temps pour être surmontées, mais qui, par ce moyen, disparaîtraient.<sup>40</sup>

Quand à l'école normale, elle menaçait de naître au milieu de difficultés que nous espérons avoir fait disparaître entièrement. Le crédit de 25,000L (sic) pour le traitement des professeurs et pour l'entretien des élèves, est très insuffisant, ainsi qu'on s'en convaincra en jetant un coup d'oeil sur le tableau des revenus et des dépenses de l'école normale du Haut-Canada. Aussi avons-nous décidé que dans la Basse Province de même que dans la Haute, le fonds des écoles communales viendrait (sic) en aide à celui de l'école normale jusqu'à la concurrence de 3,500L<sup>41</sup> [OU] 3,000L<sup>42</sup>. Ajoutez à cette somme environ 500 louis produits par les paiements versés par les élèves de l'école normale et vous obtiendrez un total de 5,000 louis au moins destiné à subvenir aux frais de l'école normale. Ce revenu, tout considérable qu'il paraisse, sera d'autant plus nécessaire que le gouvernement se propose de fonder dans le Bas-Banada (sic), non pas une seule école normale, mais plusieurs.

Néanmoins avant de tant s'occuper de ces grandes institutions, il a fallu songer aux bâtiments qui leur seraient affectés.<sup>43</sup> Dans le Haut-Canada, le fonds consolidé n'a pas contribué à l'érection des écoles normales qui ont coûté 15,000L<sup>44</sup> [OU] 10,000L<sup>45</sup>. Cette somme a été distraite du fonds de construction du Haut-Canada, et, en conséquence, un fonds spécial doit être mis de côté.<sup>46</sup> Il est vrai que dans l'autre partie de la province, nous n'avons pas un besoin immédiat de nouveaux bâtiments; c'est ce qui nous permettra de créer sans difficulté, peu à peu, un fonds spécial de 16,000L, en retirant chaque année, pendant 7 ans et plaçant à intérêt une somme de 2,000L, des 22,000L produits par le fonds permanent de l'enseignement supérieur. Par ce moyen, on se créera un fonds de construction sans priver les écoles secondaires d'une partie considérable des allocations annuelles sur lesquelles elles comptent.

Mais ce n'est pas aux constructions que le gouvernement veut consacrer ses soins et les sommes dont il peut disposer; c'est surtout à l'instruction qu'il donnera son attention. Pour s'assurer une bonne instruction, c'est presque un axiome de dire qu'il faut des professeurs capables et aussi des livres de choix. Aussi avons-nous songé à nous assurer une somme suffisante pour subvenir à ces besoins.<sup>47</sup> Après avoir expliqué les plans du gouvernement et clairement prouvé que nous nous proposons de consacrer les sommes dont nous pouvons disposer à l'instruction plutôt qu'en constructions, il me reste à entrer dans quelques détails relatifs aux écoles normales. Ainsi que je l'ai déjà dit, nous voulons en fonder, dès l'abord, non pas une seule, mais plusieurs. Nous commencerons par en établir trois. On pourra me demander pourquoi nous voulons en donner trois au Bas-Canada, tandis que le Haut-Canada n'en possède qu'une? Notre décision est basée sur la diversité des langues en usage



dans le Canada français et sur la position géographique de cette partie de la province. Dans le Haut-Canada, la très grande majorité du peuple ne parle que la langue anglaise; une seule école peut donc répondre à tous les besoins; mais dans le Bas-Canada, la population anglaise qui se plaint, bien qu'à tort, d'être négligée, aurait raison de dire que ses droits sont foulés aux pieds si ses maîtres d'école étaient obligés d'aller recevoir leur instruction dans une école française. Il faut donc pour le moins deux écoles dans le Bas-Canada, l'une où l'enseignement sera donné en français et l'autre où l'on se servira de la langue anglaise.

Mais à cause de la position géographique du Bas-Canada, trois écoles sont nécessaires. Dans le Haut-Canada, l'école normale établie à Toronto, se trouve à peu près au centre de la provinces (sic), tandis que dans le Canada français, ni Québec, ni Montréal, ne se trouvent dans une position centrale pour cette population qui s'étend de Gaspé aux townships de l'Est, du Saguenay à la vallée du Saint-Maurice, et des rives du lac Champlain aux bords de la rivière Outaouais.

L'école normale anglaise sera donc établie à Montréal. En effet, sur 220,000 canadiens anglais épars dans le Bas-Canada, environ 200,000 se trouvent groupés dans un rayon de 120 milles de Montréal. Nous n'aurions donc pas pu trouver de ville plus centrale pour cette population. D'un autre côté, dans les townships de l'Est, dans la région de Montréal, jusqu'à celle du Saint-Maurice et dans la vallée de l'Outaouais, nous avons une population d'environ 300,000 français qui eux aussi ont droit à une école normale et pour lesquels Montréal est dans une situation on ne peut plus centrale. Voilà pourquoi cette ville possèdera dans ses murs deux écoles normales, l'une destinée aux français et l'autre à la population d'origine britannique.

Enfin, dans cette vaste région qui s'étend de Trois-Rivières à Gaspé se trouve une population presque entièrement française et aussi considérable que celle qui se groupe dans la circonférence dont Montréal est le centre. On ne pouvait pas exiger sans injustice que ces 300,000 français dépendissent de l'école normale établie dans cette dernière ville et il leur était dû d'en fonder une à Québec.<sup>48</sup>

MR. CHAPPAIS.--La langue anglaise sera-t-elle exclue de cette dernière école?<sup>49</sup>

MR. PROV. SEC. CARTIER.--Nullement. Les deux langues seront enseignées dans les trois écoles. Seulement, dans celle de Québec et dans l'une des deux institutions établie à Montréal, l'enseignement se fera en français; et dans la seconde école de Montréal, on emploiera l'anglais. Ce plan que j'ai communiqué l'automne dernier pendant une visite que je fis à Montréal, à de nombreux amis tant d'origine française que de race, (M. Cartier cherche un instant son adjectif,...)britannique, ....(rires, murmures et intersections.) Personne, que je sache, n'a prétendu que la race britannique fût supérieure à toute autre race caucasienne.<sup>50</sup>

Une voix à gauche.--Oui, quelqu'un dans le Conseil.<sup>51</sup>

MR. PROV. SEC. CARTIER.--Je ne sais pas, M. l'Orateur, à quel Conseil il est fait allusion.<sup>52</sup>

La même voix (d'un ton énormément malin,) dans le Conseil Législatif.<sup>53</sup>

MR. PROV. SEC. CARTIER.--Je n'ai pas à m'occuper de ce qui se passe dans ce Conseil et je ne puis pas croire qu'un membre de ce corps respectable ait pu s'oublier au point de prononcer de telles paroles. Si quelqu'un l'a fait, néanmoins, tout ce que j'ai à dire c'est que par une assertion aussi ridicule qu'inconvenante, il a dû donner de lui la plus triste idée.

J'allais dire que ce plan des trois écoles normales ainsi réparties a été généralement approuvé par les personnes des deux races auxquelles (sic) il a été soumis.<sup>54</sup>

MR. BROWN enquired whether the Sectarian element would be introduced.<sup>55</sup>

MR. PROV. SEC. CARTIER.--Les élèves auront à se conformer aux pratiques religieuses des maîtres de l'établissement qu'ils choisiront. L'école anglaise sera annexée à l'Université McGill qui jouit d'une si haute réputation dans le pays;<sup>56</sup> on se propose ... de laisser à la disposition de ce dernier corps le bâtiment requis pour ce dessein, par le gouvernement.... A Québec le gouvernement a fait un arrangement avec l'université Laval et l'on espère que l'école sera affiliée à cette institution<sup>57</sup>, la première ... de ce genre dans le pays. Par ce moyen, nous mettrons ces deux écoles en relief. Dès le principe, nous les placerons hautement dans l'estime publique.<sup>58</sup> Il est bien désirable que les écoles normales soient patronnées par des personnes d'une moralité et d'un caractère connus haut placé[es] dans la société du Bas-Canada. L'affiliation des écoles aux collèges Laval et McGill, donnerait un haut rang aux professeurs qui y seraient formés.<sup>59</sup> Car, si nous voulons arriver au succès, il ne suffit pas de faire de notre mieux, nous devons encore nous assurer l'appui et le concours des personnes les plus élevées et rencontrer les sympathies des hommes influents qui se sont consacrés à la cause de l'enseignement.<sup>60</sup>

MR. BROWN.--Les directeurs des Universités McGill et Laval choisiront-ils les professeurs des deux écoles normales annexées à ces deux établissements?<sup>61</sup>

MR. PROV. SEC. CARTIER.--Nous nous servons simplement d'une partie des bâtiments de ces deux universités, mais nous nous réservons la nomination des professeurs.<sup>62</sup>

MR. BROWN.--Is the University of Laval or McGill to have any control at all over the Normal school?--or are they to merely rent the buildings?<sup>63</sup>

MR. PROV. SEC. CARTIER.--Les directeurs de ces universités n'auront rien de commun avec l'administration ou la direction des écoles normales. (M. Cartier lit la clause du bill déclarant que les écoles normales seront sous la haute direction du Gouverneur en Conseil. Le gouvernement présentera, en outre, une mesure pour créer un conseil d'instruction publique.)<sup>64</sup>

MR. BROWN<sup>65</sup> [OU] MR. A. DORION.--Mettra-t-on de côté une certaine somme dans le but de pourvoir à l'enseignement d'un certain nombre d'élèves?<sup>66</sup>

MR. PROV. SEC. CARTIER.--Je ne saurais entrer à présent dans les détails les plus minutieux. Il nous importe peu de les savoir et je ne suis pas préparé non plus à répondre à toutes les questions. La troisième école normale, celle qui sera destinée aux Français de la région de Montréal, sera établie dans le palais de justice, l'ancienne maison du gouvernement, et placée sous le contrôle immédiat du surintendant de l'Instruction publique. Et d'après ce que nous connaissons des détails administratifs de ce fonctionnaire, nous osons dire que cette école ne sera ni la moins florissante ni la moins bien conduite des trois. A ces grands établissements seront de plus annexé[s] des écoles modèles dont les élèves apporteront au moins un millier de louis au budget et cette somme ajoutée aux cinq mille louis dont j'ai parlé nous donnera un total annuel de 6,000L, affecté à l'entretien de ces écoles normales.

En expliquant la nécessité d'avoir plus d'une école normale dans le Bas-Canada, j'ai dit un mot, M. l'Orateur, sur celle de Toronto, qui je suis bien loin de vouloir

déprécier et dont j'admire, au contraire, le succès. Mais j'ose dire qu'en dépit de sa position centrale et de la singularité de langue dont jouit la population du Haut-Canada, l'école de Toronto ne suffit pas à cette province et, comme je vais le prouver, trois établissements de ce genre auraient pu y trouver des éléments de prospérité. En effet, de 1847 à 1854, il est sorti de l'école normale de Toronto 1,476 instituteurs, c'est-à-dire environ 200 par an; et sur ces 1,476 élèves, 635 appartenaient aux comtés de Peel, d'York et d'Ontario qui à eux trois n'ont qu'une population de 135,000 âmes, tandis que les 816,600 habitants du reste du Haut-Canada n'avaient fourni que 841 élèves. C'est-à-dire que dans les comtés très voisins de l'école-normale, nous trouvons un élève de l'école-normale par 1,500 habitants, tandis que dans les comtés plus éloignés, cette proportion n'est que de un à 8,000 âmes. Ne devons-nous pas supposer que cette énorme différence est due à l'éloignement de l'école-normale et que les comtés de l'Est et de l'Ouest du Haut-Canada auraient donné un contingent d'élèves plus nombreux s'il s'était trouvé une école-normale vers les extrémités de la province? D'après ces données, nous pouvons raisonnablement espérer d'avoir environ 60 élèves par an dans l'école-normale anglaise de Montréal, 75 dans l'école française et une centaine dans celle de Québec; et avec [de] tels éléments de succès, je suis presque assuré, M. l'Orateur que nous élèverons l'enseignement dans le Bas-Canada à une hauteur à laquelle il n'a jamais été porté dans le Canada anglais.<sup>67</sup>

In answer to MR. A. DORION,<sup>68</sup>

MR. PROV. SEC. CARTIER further explained that it was the intention of the Government to increase the Common school fund as far as possible, though this could not be done to the extent that could be wished, in the present state of the Province.<sup>69</sup> [He] then explained at some length in English, the principles he intended to carry out.... He contended that, while in consequence of the central situation of Toronto, one Normal school was equally accessible to all parties, it could not be so in Lower Canada, for there was no equally central city; Montreal was too far south and Quebec was too far north. They therefore required three in Lower Canada, one to be located in an English speaking district, and the other two where ... French was the language of the people. While he was ready to admit, and proud to mention that the Normal School in Upper Canada was not only admired by the people of Lower Canada, but by the most highly talented educators in most of the States of the Union; he could not help thinking that if there had been two schools instead of one they might have turned out a much greater number of teachers. In the united counties of Ontario, York and Peel, there had been in seven years 635 teachers turned out of that school, while in all the rest of Upper Canada, the number in the same space of time was only 815, showing that the school was much more largely attended by those in its immediate vicinity. The hon. member explained how the 22,000L was to be raised--10,000L would be got from the old Jesuit's estates, the remainder would come from the unappropriated balances of school money, and from a special grant. He concluded by moving the House into committee on the resolutions.<sup>70</sup>

MR. MACKENZIE objected to the house going into committee on money resolutions on the same day that the motion was made, and read the rule of the house sustaining his objection.<sup>71</sup>

MR. SICOTTE the SPEAKER said, according to the rule of the House of Commons, they could not go into committee at once upon these resolutions, but the practice of their own House, since the Union, had varied so, that it would not be inconsistent

with their own practice to do so.<sup>72</sup> But if any member insisted on it, it was imperative ... to enforce the rule<sup>73</sup>.

MR. AT. GEN. DRUMMOND hoped the hon. member would withdraw his opposition, as that rule had never been stringently enforced.<sup>74</sup>

MR. MACKENZIE refusing to withdraw his objection,<sup>75</sup>

MR. PROV. SEC. CARTIER moved that the house do resolve itself into Committee of the Whole on the said resolutions to-morrow.<sup>76</sup>

This was agreed to<sup>77</sup>.

(223)

*The Honorable Mr. Cartier moved, seconded by the Honorable Mr. Lemieux, That this House will, To-morrow, resolve itself into a Committee to take into consideration certain Resolutions on the subject of the encouragement of Superior Education, and the establishment of Normal Schools in Lower Canada;*

*The Honorable Mr. Cartier, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.*

*Resolved, That this House will, To-morrow, resolve itself into the said Committee.*

It ... [being] six o'clock ... MR. SICOTTE the SPEAKER left the chair<sup>78</sup>, and ... the house rose for the evening recess.<sup>79</sup>

MR. SICOTTE the SPEAKER took the chair shortly after half-past seven o'clock.<sup>80</sup>

The orders of the day were then taken up.<sup>81</sup>

(223)

*The Order of the day for the second reading of the Bill to incorporate the Society called "The Union of St. Joseph of Montreal," being read;*

*Ordered, That the Bill be read a second time on Friday next.*

*The Order of the day for the second reading of the Bill to amend the Act relating to Savings Banks, being read;*

MR. HOLTON moved the second reading of the bill.... The hon. gentleman said the object of the bill was simply to confer upon the city of Montreal City and District Savings' Bank the same power which was conferred upon the city of Quebec Savings' Bank last year--the power to hold a banking house wherein to transact its business, and also power to award such compensation to its chief officers, as the time they devote to the interests of the institution may be considered necessary. With these few remarks, he moved the second reading of the bill.<sup>82</sup>

MR. SICOTTE the SPEAKER asked if the hon. gentleman intended to refer his bill to a Committee of the Whole.<sup>83</sup>

MR. HOLTON said he wished to refer it to a Committee of the Whole at once. There were only two clauses in it and he did not think it necessary to refer it to a special committee.<sup>84</sup>



MR. PROV. SEC. CARTIER said he was aware that the hon. Attorney General East had received some communication from Montreal in regard to this bill. He did not know the nature of that communication, but in order that the Attorney General may be able to state what that communication was, he (Mr. Cartier) would suggest that the bill be referred to a select committee.<sup>85</sup>

MR. HOLTON said he would rather postpone the further consideration of the bill at present, and refer it to-morrow to a Committee of the Whole. He would, therefore, move to that effect.<sup>86</sup>

(223)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House for To-morrow.*

MR. FERRES moved the third reading of the bill to amend the act relative to injury to property in Quebec by riots.<sup>87</sup>

MR. ALLEYN moved in amendment, "that the said bill be recommitted to a Committee of the whole House, for the purpose of substituting for the first clause, the following: 'that the said act be, and the same is hereby repealed.' "--He thought that instead of repealing the clause, the whole act should be repealed, so as to bring Quebec under the general act, which applies to other cities<sup>88</sup> [OR] because there was now on the Statute Book, a similar Act relating to the injury sustained by property from riots in the City of Quebec.<sup>89</sup>

MR. BROWN would like to know what law the hon. gentleman alluded to.<sup>90</sup>

MR. ALLEYN replied that it was the act to amend the charter of the city of Quebec, which he had introduced last session.<sup>91</sup>

MR. FERRES said the General Incorporation Act, which was amended last session, gives to the Corporation of Quebec, power to levy a special tax to meet the injury done by rioters, but it gave no power to the sufferer to sue. (Hear, hear.) Whereas, the bill of which, the clause he was seeking to repeal formed a part, gives to the sufferer that power, and to bring an action against the City of Quebec (*sic*), if they did not levy the tax within six month's after the injury. If the whole act were repealed, this privilege was taken away, and the sufferer had to sue the city, and compel restitution. If the party has suffered, he ought to have a remedy in his own hands.<sup>92</sup>

MR. CASAULT thought that his learned friend, was altogether in error. This law, which that hon. gentleman sought to amend now, was passed, because by the former Act of Incorporation of Quebec, the Corporation had no right. They could impose taxes for certain objects only, and not towards paying the damage occasioned by owners of property, whose property had been injured by riot. Then this law was passed to enable the City Council of Quebec, to impose upon the tax payers a special tax towards paying those damages, and since that, the Act of Incorporation of Quebec had been amended; and by the Incorporation Act, as it stood now, the city had the right to impose a tax like that in question; in fact, the Act of Incorporation as it stood now gave the Corporation of Quebec the very same right and power which it was intended to give by this act of the hon. gentleman's.<sup>93</sup> The clause in the incorporation act was the same as in the Toronto incorporation act and others.<sup>94</sup> By common law, the city had that right already, and if the City Council did not choose to pay

those expenses, it did not deprive the sufferer of the power of suing the Corporation.<sup>95</sup> If this act were amended, there would in reality be two laws in the statute book, enacting similar things.<sup>96</sup>

MR. CAMERON would like to ask the hon. member for Quebec, whether that right existed by the law of Lower Canada, because it did not in Upper Canada. There was no right in Upper Canada to assess any municipality according to the common law of England in this country, as adopted, for any damage occasioned by riot, and unless that right arose out of the civil or French law, he was at a loss to perceive where it came from.<sup>97</sup>

MR. CASAULT replied, that the law operating in Quebec, gave the City Council the right to impose a tax towards paying those damages--it was the same power as that given by the Act sought to be repealed.<sup>98</sup>

MR. ALLEYN said that in this respect, the law in Quebec, was the same as that in Toronto, Montreal, and elsewhere.<sup>99</sup> By the statute of last session, power was given to the Corporation to levy assessments in cases of riot. If the Corporation did not do so, a writ of mandamus would issue, and he thought that a court of common law in Quebec could force the Corporation to levy the assessment.<sup>100</sup>

MR. CAMERON did not know that the effect would be as stated, that a mandamus would be granted by the court upon a municipality, to assess it for damages occasioned by the destruction of property riotously.<sup>101</sup> No writ of mandamus could be issued under the Common Law in Upper Canada.<sup>102</sup> If that power was possessed by common law courts, then there would be no necessity for the existence of the statute. It would be better in that case to leave the statutory enactment as it was.<sup>103</sup> He would suggest, however, that it should not be repealed, but left to strengthen the common law.<sup>104</sup>

MR. AT. GEN. DRUMMOND explained that this right did not exist under the common law, but existed under a statute applying generally to all corporations. The hon. gentleman then entered into an explanation of the law in Lower Canada on this subject.<sup>105</sup> The courts for 40 or 50 years had issued the prerogative writs and warrants of mandamus, but 10 or 12 years ago he had proved satisfactorily to the Courts that they did not possess the power<sup>106</sup>. Having seen the necessity of introducing some law which would give the same power to the courts of Lower Canada as those England possessed, he had ... introduced a statute authorizing all courts to issue such writs<sup>107</sup> in the form of quo warranto<sup>108</sup> where asked for, so that at present all corporations were held under the strictest control, but he did not consider that a mandamus could issue to compel corporations to do a thing which it was not imperative upon them to do. (Hear, hear.) He did not consider that a mandamus could issue under the 12th Vic., cap. 21, to compel a corporation to do anything which was not made absolutely imperative upon it by charter. It was now optional with them by the Act to impose this tax or not. (Hear, hear.)<sup>109</sup> It was not, he considered, a matter of very great importance. As he understood it, the Act merely provided that if, after the lapse of six months this tax had not been levied, that then the injured party might compel the corporation to pay the amount of damages he had sustained (*sic*).<sup>110</sup> He could not, therefore, see any objection to allow that portion of the law to remain as the hon. member for Brome [Mr. Ferres] proposed.<sup>111</sup>

MR. SOL. GEN. D. ROSS would like to know if the corporation had passed a bye-law to this effect.<sup>112</sup>

This question was answered in the negative by an hon. gentleman.<sup>113</sup>

MR. SOL. GEN. D. ROSS thought that as no by-law to the effect had been passed by the city of Quebec, the Act should not be repealed<sup>114</sup> [OR] Mr. Ross would, then, say distinctly that this Act ought to be repealed.<sup>115</sup>

MR. CHABOT said although he had seconded the motion, he would advise his honorable and learned colleague to withdraw his motion, and allow the bill to pass.<sup>116</sup>

After some further conversation,<sup>117</sup>

MR. ALLEYN said he was willing to withdraw his amendment, as the general feeling of the House seemed to be against repealing the whole Act.<sup>118</sup>

The Bill was then read a third time, and passed.<sup>119</sup>

(223)

*A Bill to repeal in part an Act to provide a remedy against the City of Quebec, in case of injury to property by Riot, was, according to Order, read the third time. Resolved, That the Bill do pass.*

*Ordered, That Mr. Ferres do carry the Bill to the Legislative Council, and desire their concurrence.*

The next order having been called,<sup>120</sup>

MR. BROWN said that this was Government night, and it was now nearly nine o'clock. Did the Government not intend to take up any Government measures?<sup>121</sup>

MR. AT. GEN. DRUMMOND said, the Government had brought forward a measure (that of Mr. Cartier), which would have taken up most of the evening, if the Opposition had not prevented its being proceeded with.<sup>122</sup>

MR. MACKENZIE said, he felt fully justified in having resisted an attempt to vote away the public money, without complying with all the rules of the House.<sup>123</sup>

(223)

*The Order of the day for the second reading of the Bill to amend the Law of Evidence in Lower Canada, being read;*

MR. ALLEYN moved the second reading of the bill<sup>124</sup>.

The Bill was, without opposition, read a second time--and was moved to be referred to a Select Committee consisting of Sol. Gen. Ross, Cassault (sic), Papin, and the mover.<sup>125</sup>

MR. A. DORION (Montreal) hoped the Committee would not report the bill, as it would only be burdening the Statute Book by a measure which was of no use.<sup>126</sup> The objects of the Bill were of a dangerous character, and were not called for.<sup>127</sup>

MR. AT. GEN. DRUMMOND concurred so far in the remarks of the hon. member for Montreal, at the same time he had no objection that the bill be referred to the Committee. He hoped by another Session to have a general bill for such subjects. It was necessary that a thorough and radical change should be made in the system. He

did not like that way of eating upon the system by sectional legislation. There was a necessity that the laws should be homogeneous, and he hoped the Committee would not hurriedly report any change at present.<sup>128</sup>

MR. TERRILL objected to the Bill as totally unnecessary.<sup>129</sup>

The Bill was then referred to a select committee.<sup>130</sup>

(223)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Alleyn, Mr. Solicitor General Ross, Mr. Casault, Mr. Turcotte, and Mr. Papin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to authorize the Creditors of Public Officers to seize and take in execution after Judgment, the Salaries and Emoluments of the said Officers, in certain cases, being read;*

On motion of MR. MARCHILDON,<sup>131</sup>

(223)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Marchildon, the Honorable Mr. Attorney General Drummond, Mr. Sanborn, Mr. Chapais, and the Honorable Mr. Chabot, to report thereon with all convenient speed; with power to send for persons, papers, and records.*<sup>132</sup>

*The Order of the day for the second reading of the Bill to amend the Law of Partnership, being read;*

MR. CAMERON moved the second reading of the Bill.... He explained that his object was to protect the dormant partners of a firm, of whom the public knew nothing, and independently of whom altogether credit was given to the firm.<sup>133</sup> Any dormant partner who may advance any sum of money for any partnership business whatever, shall be responsible to the creditors of the partnership for the amount so advanced, and for no other or greater sum as such dormant partner. And such dormant partner shall have no claim whatever on the funds of the partnership, until all the debts and liabilities of the partnership are paid. The creditors of any partnership may bring any suit or proceedings either at law or equity against the members of such partnership, whose names are used openly in the style, title or name of the partnership, and upon judgment recovered or decree made in any such suit or proceeding, the whole assets of the partnership shall be liable to such judgment or decree, in the same manner as if all the members of such partnership had been included therein, and no plea in abatement shall be allowed therein for the non joinder of any partner whose name does not appear in the style, title or name of the partnership.<sup>134</sup>

MR. SOL. GEN. H. SMITH said the hon. gentleman had failed to convince him of the necessity for this law. It was the introduction of the principle of the law of limited liability in the case of dormant partnership<sup>135</sup> [and he] objected to [it].... This question had engaged considerable attention in England, and from an able article on the subject recently in the Law Times, he was led to the conclusion that the subject was not at all settled there.<sup>136</sup> [He] thought that it would tend to depress public credit if the Bill were passed.<sup>137</sup>



MR. CAMERON said as the law now stands, if a dormant partner was found to have money invested in the concern at interest, although the fact was not at the time known, and although he was not participating in the profits, he may be made liable<sup>138</sup> for the debts of the firm, to the last farthing of his property<sup>139</sup>. In Lower Canada such position was amply provided for in the Limited Partnership Act. At present the Law of Partnership was such that if a creditor desired to sue for his debt, and the names of any one of these dormant or sleeping partners were left out it would be fatal to his claim. The clause in the present bill made ample provision for such a case, for it provides that only the parties whose names are seen as transacting the business should be sued, and upon serving of process upon them a creditor may recover a judgment as against the whole, although he had no means of attaining knowledge of the names of those dormant partners. It was the object of this Bill to provide that any creditor could prosecute the partners who are known to be conducting the business, and to take out an execution upon such judgment, not only against those parties whose names are then known, but against all who may be subsequently known as in connection or partnership, so that if parties should commence business and several names may not be known, the creditors may recover from the whole. And it is with this view that he (Mr. C.) would now move that the Bill be now read a second time, and afterwards he should propose that it be referred to a Committee to look into its details.<sup>140</sup>

MR. SOL. GEN. H. SMITH was of opinion, that nothing was more necessary than that creditors should know the names and be placed in a position to recover from parties who were connected in partnership with mercantile establishments, and he was fully of opinion that all the partners should be held liable for the debts of the concern.<sup>141</sup> The credit given was upon the faith of the apparent capital employed, which the dormant partner might withdraw without any one knowing anything about it, and so leave the creditors in the lurch.<sup>142</sup> But he was of opinion that the present law was quite sufficient for every purpose, and afforded ample protection to the creditor, and there was ... not the least necessity for the passing of any new law in the case. He could not see why one party should be protected in his rights and that the other should not, nor could he see the necessity of framing the provisions of the Bill to general partnerships.<sup>143</sup>

MR. BROWN thought the learned Solicitor General had failed to make out this case against the bill of the hon. and learned member near him. He [Mr. Brown] believed it would be well to amend the law in this regard. But he also believed publicity necessary as a security, and thought the bill for that reason would need some alterations in committee. You give a man capital means and push him on, and then withdraw that capital without the knowledge of the creditors, and to their disadvantage. The hon. and learned member should include in his bill, a clause for the public arrangements of the partnership so that the creditors would know whom they were trusting, and to what extent. The bill was needed in cases when the law of limited liability could not be conveniently applied.<sup>144</sup> It was well known that large sums were invested in business without the parties so investing being known. The principle was a just one, that where a sum of money was invested in the profits of a concern, the party so depositing should be responsible for the debts of that concern as far as his means would go. There would be a distinction, however, as to a general partner and a special partner; the former should be held responsible to the full extent of his means, whilst the special partner was only responsible to the amount which he had invested, say 10,000L. And it would be requisite that a notice of such general or limited Partnership (sic) should always be formally made ... known to the effect that John Doe had entered into Partnershtp (sic) with

Richard Roe, to the amount which he and others may have b[r]ought into the concern.<sup>145</sup> Otherwise, the public might be deceived by seeing a business apparently flourishing, on the strength of means furnished by another party, of whom the creditors of the firm knew nothing, and whom they could not touch.<sup>146</sup> It was too often the case, that the special partner or the real responsible men (*sic*) was not known. As it was desirable that the present measure should be made as perfect as possible, he (M. B.) would recommend the hon. gentleman to refer his Bill to a special committee.<sup>147</sup>

MR. CAMERON was desirous that the Bill should be constructed so effectually that it should place the public in the position of knowing all dormant partners.<sup>148</sup> [He] thought the Solicitor General and the member for Lambton seemed hardly to understand the scope of the bill. The object proposed could be obtained in a different manner, but an improper manner, though confirmed by the Court of Chancery in England. It was held that a man might advance money, and stipulate in case a certain portion of the profits were not paid. He might take the penalty without becoming liable as a partner. If a man trades with another it is on the apparent means in his possession. Now, under this bill these means were rendered liable for the debts of concern. The dormant partner ought to be compelled to have all his money invested, expended before he could come in as a creditor. But there was no good reason why his whole fortune should be sacrificed. Why make a man who does not manage the business, liable for the money he advances to carry it on?<sup>149</sup>

MR. SOL. GEN. H. SMITH.--Because he participates in the profits.<sup>150</sup>

MR. CAMERON.--That seemed to him to be no sufficient reason, and the present law operated a[t] great hardship. Suppose that a man was in business, and his affairs become somewhat deranged or his credit impaired, he went to a relative or friend and said,--My business is a profitable one; let me have 10,000L and carry me over this difficulty to restore my credit, and I will give you a share to that extent in the profit of my business. The friend might desire to aid him, but he could not offer to lend him the money at six per cent., which he had better invested elsewhere, and thought (*sic*) he might be willing to risk the 1[0],000L he could not invest in the business, because his whole fortune would thus become liable for the concern, so the man must go to the wall. Or suppose a man had confidence in some young man, and desired to set him up in business, but not to become a general partner, having other business of his own sufficient to occupy his attention, the present state of the law prevented him, and so business operations were cramped.<sup>151</sup> It is a question if a man should get another to assist him, without his b[e]coming responsible. If his name was known and recorded, the provision would be made by a law of limited liability, and a clause should be provided that A. B. shall only be responsible for the amount which he puts into the concern. Such were the principles of the Bill, and its details could be taken up in committee. He (Mr. C.) should regret that any material alteration should be made, but still he would be contented to take it as it were, for the sake of taking a step in the right direction.<sup>152</sup>

MR. BROWN quite understood the case, and agreed that an amendment of the law was necessary, but he still saw the difficulty with regard to secrecy, which he had suggested. Take the case put by the hon. and learned member. Suppose the partner in difficulty should go and pay back the 10,000L after saving his credit for the time upon it and ... getting larger advances from others on the strength and then come down and defraud those who trusted him. If the check of publicity were not afforded

the general partner and dormant partner might put then their heads together and commit any frauds they choose.<sup>153</sup> [He] did not approve entirely of the Bill, but if it was to be referred to a select committee, he would not object to it<sup>154</sup> as there were many clauses in it that might be amended.<sup>155</sup>

MR. WILSON approved of the bill, and considered that such a measure was much wanted in this country.<sup>156</sup> There were a great number of young men in the country well fitted to carry on small manufacturing business, and they were prevented from getting the means to do so by the law which prevented men with capital from aiding them with their money, though they might have confidence in their business capacity. It was absurd not to allow this to be done. As to the danger of fraud it was just as great now. What prevented such partnerships now? They might be kept secret, and all the evils suggested ensue. There were many farmers with money, many other persons willing to risk their money in this way to promote business who were not willing to have their names put before the public or to risk all their fortunes. The country had long wanted this law. There was no sense in the universal application of the principle that men who invested their money in any business should be liable to the whole extent of their fortunes<sup>157</sup>, and [he] expressed his surprise that the Solicitor General should defend ... [this] principle<sup>158</sup>.

MR. FREEMAN did not agree with the arguments brought forward in favor of the Bill. It was not required by the country<sup>159</sup>. The object contemplated was to prevent an execution reaching the private property of a dormant partner who for his money invested had drawn profit, like the other partners from the business.<sup>160</sup> [He] considered the house should be very cautious about disturbing the present law. The party who brought overwhelming ruin on a concern, by furnishing the credit on which the business had been carried out, should be made responsible for sustaining that credit, to the extent of his means.<sup>161</sup> It was not by any means the case that men always, or generally put in their money as dormant partners in a concern about to break down. But they generally put it into a profitable business and drew large profits from the public on the monies invested. He thought the law of limited liability was sufficient for all the ordinary purposes of trade,--if no amendment encouraged these dormant partnerships. With respect to the necessity of this promoting trade, he felt that it would only tend to extend that already too great eagerness for speculation, the too great desire to make money in all sorts of ways which was rather a curse than a benefit to their country.<sup>162</sup> There was enough of speculation in trade here already without any further facilities being afforded for it, and it would be much better for all parties if trade was carried on upon sounder principles than at present. He would therefore oppose the bill.<sup>163</sup>

MR. BOWES concurred in much that had been said by the last speaker. He was opposed to the principle of limited liability altogether. He was opposed to these dormant partnerships. Especially as the dormant partners draw out and divide the profits year after year until they had got principal and profit out, and then let the concern collapse with no assets but debts scattered about the country. It would only promote the speculation spirit which he believed, with the last speaker, was already too much stimulated.<sup>164</sup>

MR. GOULD thought it would only be to facilitate the swind[ling] of the public to pass this bill. Merchants in the city would send their clerks out into the country and set them up, remaining themselves dormant partners, and would withdraw at the proper moment to save themselves when any danger threatened.<sup>165</sup>



MR. AT. GEN. DRUMMOND thought that the law of partnership which had so long existed should not be interfered with, without serious consideration. The law of England had always been opposed to secrecy, and that was the very element of this Bill. It was highly objectionable. Secrecy must be considered an evidence of fraud in partnerships. The hon. member for London had intimated that some men were ashamed of having their names known in business. If that was the case, let that man keep out of it. (Hear, hear.) If such men were too haughty to allow their names to be published as partners, although they liked to pocket the profits in the dark, for the sake of such men as those was the Legislature to introduce a new system of legislation, and recognise such a principle as secrecy? No. He objected to the Bill. Look at the complaints that would be made by creditors. They would find that secret cognovits were given by secret parties. (Hear, hear.) The dormant partner might take his money out of the business as soon as he could, and leave the man of straw. This bill provided that a dormant partner is only liable for the money that he agrees to give in advance. The bill was uncalled for. It introduced dangerous principles, for there were no means provided by it to protect the country from fraud, and it infringed the English Law of Partnership.<sup>166</sup>

MR. DUFRESNE supported the measure, because he thought that the dormant partner would uphold the credit of the firm, and would be interested more deeply to do so than the creditor could possibly be. The bill would induce parties to invest money in commerce more than they would, if they were liable for a greater amount than they put into the concern.<sup>167</sup>

MR. AT. GEN. J.A. MACDONALD spoke at some length against the bill. A man got credit not on his apparent means, but upon the pledge of his future exertions to repay an advance or make good a credit. If such a man put 1000L into his business and traded on it for years, he probably made some money out of it, and invested it perhaps otherwise than in his business. He was not released from the claims of his creditors by paying them the 1000L forming his apparent capital, but he must also pay them all the profit he had made on his previous transactions. Nay, his creditors had a hold on his future exertions, his future labor. Why, if one man was held in this way, was another partner to be let off merely for the means invested, simply because he was too aristocratic, perhaps, to put his name over the door of a shop though not to invest his means in business. They already had enough avenues open to frauds against ... creditors by means of cognovits, as those living in Montreal and New York could testify without opening up a new one here. By removing the penalty (sic) of full liability on the secret partnerships when discovered, this was in fact an extension of the limited liability act without any of its publicity, &c. Under that law, too, a partner was liable for all profits withdrawn as well as for money actually put in.<sup>168</sup>

MR. S. SMITH spoke at some length against the bill.<sup>169</sup> [He] was opposed to this bill in principle and detail. It was not the province of this house to place creditors in a worse position than they were at present, or to do detriment to the debtor. A party who was to share in the profits, was fairly liable to share in the losses when they accrued; and the bill was unusually carelessly drawn, coming from an hon. gentleman of the talent of the hon. member for Toronto. He did not wish the present law, which was now well settled, turned topsy turvy, head over heels, just for the sake of experiment.<sup>170</sup>

MR. GAMBLE spoke in favor of the bill.<sup>171</sup> [He] said it was an experiment which had succeeded well in other countries.<sup>172</sup>



MR. AT. GEN. J.A. MACDONALD said that if the bill was to be referred to a special committee there could be no objection to it.<sup>173</sup>

The bill was then read a second time and referred to a committee.<sup>174</sup>

(223)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Cameron, Mr. Solicitor General Smith, Mr. Gamble, Mr. Joseph Curran Morrison, Mr. Wilson, and Mr. Antoine Aimé Dorion, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to amend the Law of Limited Liability, being read;*

MR. CAMERON moved the second reading of the Bill<sup>175</sup>. He explained that its object was to facilitate the working of the present act.<sup>176</sup>

After a short discussion the bill was read a second time, and referred<sup>177</sup>.

(223)

*The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to amend the Law of Partnership.*

(224)

*The Order of the day for the second reading of the Bill to provide for the establishment of Superior Primary Schools in certain Parishes and Townships in Lower Canada, being read;*

*Ordered, That the Bill be read a second time on Monday next.*

*The Order of the day for the second reading of the Bill to provide for the establishment of County Courts in Lower Canada, being read;*

*Ordered, That the Bill be read a second time on Monday next.*

*The Order of the day for the second reading of the Bill to provide for the erection of a new Circuit in the District of Ottawa, to be called the Argenteuil District, being read;*

[On motion of] MR. AT. GEN. DRUMMOND<sup>178</sup>,

(224)

*The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to establish a Circuit Court in and for the County of Huntingdon, and part of the County of Chateauguay.*

*The Order of the day for the second reading of the Bill to amend the provisions of the several Acts for the incorporation of the City of Montreal, being read;*

On the motion of MR. A. DORION<sup>179</sup>,

(224)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to authorize the improvement of Water-courses, being read;*

On motion of MR. PREVOST,<sup>180</sup>

(224)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Prévost, the Honorable Mr. Chabot, Mr. Polette, Mr. Papin, and Mr. Jobin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to amend the Act establishing Mutual Fire Insurance Companies in Lower Canada, being read;*

[On motion of] MR. SANBORN<sup>181</sup>,

(224)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Sanborn, Mr. Somerville, Mr. Antoine Aimé Dorion, Mr. Poulin, and Mr. Whitney, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to erect the Municipality of the Village of Galt into that of a Town, being read;*

[On motion of] MR. FERRIE<sup>182</sup>,

(224)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to amend and consolidate the Acts of Incorporation of the Commercial Bank of the Midland District, being read;*

[On motion of] MR. CAMERON<sup>183</sup>,

(224)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to incorporate a Company by the name of the North-Western Railway Company, being read;*

MR. SOL. GEN. H. SMITH [moved the second reading] in [the] absence of Sir Allan MacNab.<sup>184</sup>

DR. CLARKE said the principle of it was so unjust, that he would have opposed it at this stage, had the Premier been in his place, but in his absence he would not object to its going to the Railroad Committee.<sup>185</sup>

(224)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*The Order of the day for the second reading of the Bill to provide in a more certain manner for order in enregistration and to facilitate enregistration and searches in the Registry Offices of Lower Canada, being read;*

[On motion of] MR. PREVOST<sup>186</sup>,

(225)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Prévost, the Honorable Mr. Chabot, Mr. Felton, Mr. Polette, and Mr. Jobin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to incorporate the Town of Owen Sound, in the County of Grey, being read;*

[On motion of] MR. JACKSON<sup>187</sup>,

(225)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to amend the Prerogative Writs Act, and to make new provision respecting Writs of Scire facias, being read;*

[On motion of] MR. SANBORN<sup>188</sup>,

(225)

*The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Sanborn, Mr. Papin, Mr. Solicitor General Ross, Mr. Terrill, and Mr. Alleyn, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*The Order of the day for the second reading of the Bill to increase the Capital Stock of the Port Darlington Harbour Company, being read;*

[On motion of] MR. BROWN, in [the] absence of Mr. Munro<sup>189</sup>,

(225)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*The Order of the day for the second reading of the Bill to incorporate the Canada North West Railway Company, being read;*

[On motion of] MR. CAMERON<sup>190</sup>,

(225)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.*

*Then, on motion of Mr. Masson, seconded by Mr. Guévremont,  
The House adjourned.<sup>191</sup>*



APPENDIX: 1 APRIL 1856.

[NOTICE OF MOTION FOR RESOLUTIONS RE: JUDICIAL DISTRICTS IN LOWER CANADA.]

MR. AT. GEN. DRUMMOND gave notice that on Friday next he would move the house into Committee of the Whole to consider certain resolutions, having for their object the subdivision of judicial districts, as they now exist in Lower Canada, and the construction of Court Houses and Gaols by means of funds raised on the credit of the Lower Canada Municipal Loan Fund.<sup>192</sup>

[QUESTION AND ANSWER RE: CORNWALL CANAL.]

DR. MCDONALD enquired of the Ministry, whether it was their intention to cause any steps to be taken during the present year to render the water privileges on the Cornwall Canal available to the public?<sup>193</sup>

MR. COM. PUB. WORKS LEMIEUX replied that the Ministry intended doing so.<sup>194</sup>

[QUESTION AND ANSWER RE: REGISTRATION OF ELECTORS.]

MR. GAMBLE enquired of the Ministry whether it was their intention to introduce any measure providing for the registration of electors for members of the Legislature during the present session?<sup>195</sup>

MR. AT. GEN. J.A. MACDONALD answered in the negative.<sup>196</sup>

[QUESTION AND ANSWER RE: GRAMMAR SCHOOLS.]

MR. GOULD enquired of the Ministry, whether it is their intention to introduce a measure making further provision for the management and support of Grammar Schools during the present session?<sup>197</sup>

MR. AT. GEN. J.A. MACDONALD replied that it was not the intention of the Government to do so. The grant to Grammar Schools was increased last session, and it was not the intention of the Government to propose a further increase.<sup>198</sup>

[POSTPONED MOTION RE: SEPARATE SCHOOL BILL.]

On the Order of the Day for the second reading of the bill to amend the Separate School Act<sup>199</sup>,

MR. BOWES said he wished to postpone that second reading until the hon. member for Lambton brought in his general measure for the abolition of Separate Schools.<sup>200</sup>

MR. BROWN said that the hon. member for Toronto (Mr. Bowes) had stated a distinct issue before the country, and he should go on with it.<sup>201</sup>

[The second reading was] postponed.<sup>202</sup>

[POSTPONED MOTION RE: ORANGE INSTITUTION INCORPORATION BILL.]

On the motion for the second reading of Mr. Cameron's bill to incorporate the Loyal Orange Institution<sup>203</sup>,

MR. PROV. SEC. CARTIER said he hoped the hon. member for Toronto was aware that the Attorney General East intended to introduce a bill for the incorporation of all charitable Institutions, as he supposed that the Institution, the incorporation of which was asked by this bill, belonged to that class. If the Institution was of that class, it would be, of course, included in his hon. colleague's measure.<sup>204</sup>

MR. AT. GEN. DRUMMOND would wish the hon. member for Toronto to postpone the second reading of his bill, until the general measure came before the House.<sup>205</sup>

MR. CAMERON replied that under the circumstances, he had, of course, no desire to press his motion.<sup>206</sup>

MR. AT. GEN. DRUMMOND said his bill would be printed to-morrow.<sup>207</sup>

MR. CAMERON would most unquestionably wish to have the principle of the bill adopted by the House; but had no objection to allow the second reading of the bill to stand over till Monday next.<sup>208</sup>

MR. MACKENZIE thought this the most extraordinary bill of the age. When the hon. member for Toronto was down in Quebec, last Session, he introduced a bill for the incorporation of Nunneries; and now--<sup>209</sup>

MR. SICOTTE the SPEAKER.--The hon. gentleman is out of order--the bill not being before the Chair.<sup>210</sup>

MR. MACKENZIE.--I understand, sir, (laughter.)<sup>211</sup>

MR. CAMERON would desire that the bill should not lose the order of precedency in which it now stood on the notice papers. He wished it to stand the first item on the order of the day.<sup>212</sup>

The second reading was then postponed till Monday next.<sup>213</sup>

FOOTNOTES: 1 APRIL 1856.

1. GLOBE, 2 April 1856.
2. IBID.
3. IBID.
4. TORONTO DAILY LEADER, 2 April 1856.
5. GLOBE, 2 April 1856.
6. TORONTO DAILY LEADER, 2 April 1856.
7. IBID.
8. MONTREAL GAZETTE, 3 April 1856.
9. TORONTO DAILY LEADER, 2 April 1856. The enquiry referred to by Mr. Hartman, concerning the management and support of Grammar Schools, was edited in the Appendix section of this day, footnotes 197-198.
10. GLOBE, 2 April 1856.
11. TORONTO DAILY LEADER, 2 April 1856.
12. MONTREAL GAZETTE, 3 April 1856.
13. GLOBE, 2 April 1856.
14. TORONTO DAILY LEADER, 2 April 1856.
15. IBID.
16. GLOBE, 2 April 1856.
17. TORONTO DAILY LEADER, 2 April 1856.
18. IBID.
19. MONTREAL GAZETTE, 3 April 1856.
20. IBID.
21. IBID.
22. TORONTO DAILY LEADER, 2 April 1856.
23. GLOBE, 2 April 1856.
24. TORONTO DAILY LEADER, 2 April 1856.
25. MONTREAL GAZETTE, 3 April 1856.
26. TORONTO DAILY LEADER, 2 April 1856.
27. IBID.
28. IBID.
29. IBID.
30. GLOBE, 2 April 1856.
31. IBID.
32. GLOBE, 2 April 1856. Mr. Cartier's resolutions are also reported in French in LA MINERVE, 12 April 1856, and LE PAYS, 12 April 1856.

The speeches of Messrs. Cartier, Chapais, Brown, and A. Dorion were reconstructed by adopting the sequence of statements reported in LA MINERVE, 16 and 19 April 1856, clearly the best and most complete source for this part of the debate. The transcriptions reported in GLOBE, 2 April 1856, TORONTO DAILY LEADER, 2 April 1856, and MONTREAL GAZETTE, 3 April 1856, are very similar to each other but for the fact that some parts are omitted in one or the other newspaper. It seems likely that the three English newspapers used the same translation of Mr. Cartier's speech which, although incomplete, follows exactly the sequence of ideas that is reported in La Minerve. However, it appears that the explanations given by Mr. Cartier in answer to his colleagues' questions were inserted in these newspapers at the very end of this gentleman's speech. The accuracy of LA MINERVE, 16 and 19 April 1856, can be sustained by the very logical structure of sequential questions and answers that it reports. The reader will note, however, that the reconstruction of this debate is based on a subjective reorganization of material and therefore, that it remains arbitrary.
33. LA MINERVE, 16 April 1856.

34. LE PAYS, 12 April 1856. This report is an incomplete translation of the account published in MONTREAL GAZETTE, 3 April 1856.
35. LA MINERVE, 16 April 1856.
36. LE PAYS, 12 April 1856.
37. LA MINERVE, 16 April 1856.
38. LE PAYS, 12 April 1856.
39. LA MINERVE, 16 April 1856.
40. LE PAYS, 12 April 1856.
41. LA MINERVE, 16 April 1856. The figure of 25,000L reported in this excerpt is evidently incorrect; the proper amount, as stated in Mr. Cartier's 7th resolution, is 2,500L.
42. HAMILTON SPECTATOR SEMI-WEEKLY, 5 April 1856.
43. LA MINERVE, 16 April 1856.
44. LE PAYS, 12 April 1856.
45. LA MINERVE, 16 April 1856.
46. LE PAYS, 12 April 1856.
47. LA MINERVE, 16 April 1856.
48. IBID.
49. IBID.
50. LA MINERVE, 16 April 1856. The ellipses are replicated as per this newspaper.
51. LA MINERVE, 16 April 1856.
52. IBID.
53. IBID.
54. IBID.
55. GLOBE, 2 April 1856.
56. LA MINERVE, 19 April 1856.
57. LE PAYS, 12 April 1856.
58. LA MINERVE, 19 April 1856.
59. LE PAYS, 12 April 1856.
60. LA MINERVE, 19 April 1856.
61. IBID.
62. IBID.
63. MONTREAL GAZETTE, 3 April 1856.
64. LA MINERVE, 19 April 1856.
65. MONTREAL GAZETTE, 3 April 1856.
66. LA MINERVE, 19 April 1856.
67. IBID.
68. MONTREAL GAZETTE, 3 April 1856. This unspecified question, and Mr. Cartier's subsequent answer are not reported in any other newspaper. They were edited following the report from La Minerve, since they do not seem to correspond to any of the statements reported by this newspaper. Montreal Gazette also reports them at the very end of its account, but there is no means of ascertaining the accuracy of this somewhat incomplete report.
69. MONTREAL GAZETTE, 3 April 1856.
70. TORONTO DAILY LEADER, 2 April 1856. This newspaper specifies that Mr. Cartier made this statement "in answer to some questions from the hon. member for Lambton, and the hon. member for Montreal, (Mr. Dorion.)" It is quite clear that this statement is a repetition of the ideas previously expressed by Mr. Cartier about the establishment of three Normal Schools in Lower Canada and the need for more of these schools in Upper Canada, as well as the explanations he gave as to how the fund would be constituted, including some figures already reported in LA MINERVE, 16 and 19 April 1856. It is very possible that this gentleman chose to summarize his proposal for the sake of the English speaking



members of the House. MONTREAL GAZETTE, 3 April 1856, simply concludes its report by mentioning that Mr. Cartier "made some other financial explanations which were not clearly understood".

71. GLOBE, 2 April 1856. TORONTO DAILY LEADER, 2 April 1856, specifies that the rule Mr. Mackenzie referred to is the 45th rule of the House.
72. TORONTO DAILY LEADER, 2 April 1856.
73. GLOBE, 2 April 1856.
74. TORONTO DAILY LEADER, 2 April 1856.
75. GLOBE, 2 April 1856.
76. IBID.
77. GLOBE, 2 April 1856. Commentaries on Mr. Cartier's resolutions are reported in GLOBE, 4 April 1856, GLOBE, 8 April 1856, and WESTERN PLANET, 10 April 1856.
78. TORONTO DAILY LEADER, 2 April 1856.
79. GLOBE, 2 April 1856.
80. TORONTO DAILY LEADER, 3 April 1856.
81. GLOBE, 2 April 1856.
82. TORONTO DAILY LEADER, 3 April 1856.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. GLOBE, 2 April 1856.
88. GLOBE, 2 April 1856. MONTREAL GAZETTE, 3 April 1856, and LA MINERVE, 19 April 1856, both concur with this newspaper and report that Mr. Alleyne referred to the General Incorporation Act.
89. TORONTO DAILY LEADER, 3 April 1856.
90. IBID.
91. IBID.
92. GLOBE, 2 April 1856.
93. IBID.
94. MONTREAL GAZETTE, 3 April 1856.
95. GLOBE, 2 April 1856.
96. TORONTO DAILY LEADER, 3 April 1856.
97. GLOBE, 2 April 1856.
98. IBID.
99. TORONTO DAILY LEADER, 3 April 1856.
100. GLOBE, 2 April 1856.
101. IBID.
102. MONTREAL GAZETTE, 3 April 1856.
103. GLOBE, 2 April 1856.
104. TORONTO DAILY LEADER, 2 April 1856.
105. TORONTO DAILY LEADER, 3 April 1856.
106. MONTREAL GAZETTE, 3 April 1856.
107. GLOBE, 2 April 1856.
108. TORONTO DAILY LEADER, 3 April 1856.
109. GLOBE, 2 April 1856.
110. TORONTO DAILY LEADER, 3 April 1856.
111. GLOBE, 2 April 1856.
112. TORONTO DAILY LEADER, 3 April 1856.
113. IBID.
114. GLOBE, 2 April 1856.

115. TORONTO DAILY LEADER, 3 April 1856. In a synopsis of this debate, TORONTO DAILY LEADER, 2 April 1856, also reports that Mr. Ross "strongly condemned the passing of the law."
116. MONTREAL GAZETTE, 3 April 1856.
117. GLOBE, 2 April 1856.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. TORONTO DAILY LEADER, 3 April 1856.
125. IBID.
126. IBID.
127. TORONTO DAILY LEADER, 2 April 1856.
128. TORONTO DAILY LEADER, 3 April 1856.
129. IBID.
130. TORONTO DAILY LEADER, 2 April 1856.
131. GLOBE, 2 April 1856.
132. TORONTO DAILY LEADER, 3 April 1856, differs from the JOURNALS and substitutes Mr. Papin's name for that of Mr. Chapais. WESTERN PLANET, 10 April 1856, provides a short commentary on this Bill.
133. GLOBE, 2 April 1856.
134. TORONTO DAILY LEADER, 3 April 1856.
135. MONTREAL GAZETTE, 3 April 1856.
136. TORONTO DAILY LEADER, 3 April 1856.
137. TORONTO DAILY LEADER, 2 April 1856.
138. TORONTO DAILY LEADER, 3 April 1856.
139. GLOBE, 2 April 1856.
140. TORONTO DAILY LEADER, 3 April 1856.
141. IBID.
142. MONTREAL GAZETTE, 3 April 1856.
143. TORONTO DAILY LEADER, 3 April 1856.
144. MONTREAL GAZETTE, 3 April 1856.
145. TORONTO DAILY LEADER, 3 April 1856.
146. GLOBE, 2 April 1856.
147. TORONTO DAILY LEADER, 3 April 1856.
148. IBID.
149. MONTREAL GAZETTE, 3 April 1856. TORONTO DAILY LEADER, 3 April 1856, reports a different statement concerning the decision given by the Court of Chancery, which appears somewhat awkward in the context of Mr. Cameron's argument. It reports that this gentleman asserted that "the principles of the Bill had been confirmed by the decision of the Court of Chancery, where it has been moved that a party was participating in the profits of a concern. In such case, the creditors should be able to compel the payment of their claims, as a man taking the profits out of a concern should be responsible for every shilling of his property."
150. MONTREAL GAZETTE, 3 April 1856.
151. IBID.
152. TORONTO DAILY LEADER, 3 April 1856.
153. MONTREAL GAZETTE, 3 April 1856.
154. TORONTO DAILY LEADER, 3 April 1856.

155. TORONTO DAILY LEADER, 2 April 1856.
156. TORONTO DAILY LEADER, 3 April 1856.
157. MONTREAL GAZETTE, 3 April 1856.
158. GLOBE, 2 April 1856.
159. TORONTO DAILY LEADER, 2 April 1856.
160. MONTREAL GAZETTE, 3 April 1856.
161. GLOBE, 2 April 1856.
162. MONTREAL GAZETTE, 3 April 1856.
163. TORONTO DAILY LEADER, 3 April 1856.
164. MONTREAL GAZETTE, 3 April 1856.
165. IBID.
166. GLOBE, 2 April 1856. TORONTO DAILY LEADER, 2 April 1856, in a synopsis of this debate, reports a statement imputed to Mr. J.A. Macdonald which seems to better correspond to Mr. Drummond's assertions. It reports that Mr. J.A. Macdonald "condemned the principle of secrecy in partnership. Dormant partners should not be excluded from becoming liable for the debts of the firm. The bill was not called for, and was of a dangerous character." In a detailed account of this debate, TORONTO DAILY LEADER, 3 April 1856, also reports that Mr. J.A. Macdonald "opposed the bill as uncalled for, and as introducing a dangerous principle." The views expressed by this gentleman, as reported in MONTREAL GAZETTE, 3 April 1856 (see footnote 168), do not appear to correspond to the two summaries reported in the Toronto Daily Leader.
167. GLOBE, 2 April 1856.
168. MONTREAL GAZETTE, 3 April 1856.
169. TORONTO DAILY LEADER, 3 April 1856.
170. GLOBE, 2 April 1856.
171. TORONTO DAILY LEADER, 3 April 1856.
172. GLOBE, 2 April 1856.
173. IBID.
174. GLOBE, 2 April 1856. WESTERN PLANET, 10 April 1856, reports a short commentary on this Bill.
175. TORONTO DAILY LEADER, 2 April 1856.
176. GLOBE, 2 April 1856.
177. IBID.
178. TORONTO DAILY LEADER, 3 April 1856.
179. IBID.
180. IBID.
181. GLOBE, 2 April 1856.
182. IBID.
183. IBID.
184. IBID.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. IBID.
190. IBID.
191. GLOBE, 2 April 1856, differs from the JOURNALS and reports that the House adjourned "on motion of Hon. Mr. Drummond, ... at eleven o'clock."
192. GLOBE, 2 April 1856.
193. TORONTO DAILY LEADER, 2 April 1856.
194. IBID.
195. IBID.

196. TORONTO DAILY LEADER, 2 April 1856.
197. GLOBE, 2 April 1856.
198. IBID.
199. TORONTO DAILY LEADER, 3 April 1856.
200. IBID.
201. IBID.
202. IBID.
203. IBID.
204. IBID.
205. IBID.
206. IBID.
207. IBID.
208. IBID.
209. IBID.
210. IBID.
211. IBID.
212. IBID.
213. IBID.





## INDEX OF PROPER NAMES

### INTRODUCTION

The following Index applies only to the names of men who were members of the Legislative Assembly in the Fifth Parliament, Second Session, for the period covered in this volume, that is 6 March 1856 to 1 April 1856 inclusive. It refers to every occasion a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates or to every other time he addressed the House; and also when he took the chair of the House in Committee of the Whole, or was appointed to sit on a Committee. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

The letter "f" after the page number indicates a member's speech or motion referred to in the footnote pages. The punctuation (?) following a page number indicates there is reason to doubt that the member made the speech or moved the motion. The reader is advised to refer to the appropriate footnote in the footnote pages for an explanation.

As explained in the Introduction to this Volume, the subject Index for the entire Volume will be contained in the final part.



## PROPER NAMES

### A

Aikins, James Cox, 617, 652, 676, 775, 822, 852, 881, 895, 969, 988, 1012.

Alleyn, Charles, 588, 618, 638, 730, 736, 774, 822, 831, 840, 842, 852, 885, 927, 944, 959, 1000-1001, 1001, 1023, 1024, 1025, 1026, 1033.

### B

Bell, Robert, 617, 926, 968.

Bellingham, Sydney, 562, 618, 640, 649-650, 664, 731, 733, 736, 749-750, 773, 822, 851, 865-866, 867, 877, 904, 927.

Biggar, Herbert, 577, 600, 664, 675, 728, 773, 823, 895, 896, 943, 985.

Blanchet, Jean.

Bourassa, François, 959, 968, 999.

Bowes, John George, 529, 601, 602, 604, 664, 670, 753, 753-754, 761, 785-786, 786, 827, 850, 967, 979, 1029, 1034.

Brodeur, Timothée, 967.

Brown, George, 567, 577, 580, 581, 582, 590, 591, 591-592, 598, 600, 602, 676, 704-705, 705-706, 706, 729, 730-731, 731, 732, 733, 735, 737-738, 738, 739, 739-741, 741, 741-742, 742, 743, 743-744, 750, 754-755, 755, 756, 775, 786, 797, 797-798, 798, 798-799, 799, 804, 806, 822, 824, 825, 826, 827, 836, 840, 841, 852, 875, 876, 877, 882, 883, 884, 885, 888, 916, 926, 933-934, 936, 942, 943, 945, 949-950, 955-957, 957, 968, 973-974, 979, 980, 985, 998-999, 999, 1002, 1011, 1015, 1020, 1023, 1025, 1027-1028, 1028-1029, 1033, 1034.

Bureau, Jacques Olivier, 596-597, 597, 628, 633, 852, 860, 860-864, 869, 910.

Burton, Francis H., 577, 618, 773, 847f, 1010.

### C

Cameron, John Hillyard, 580, 584, 586-588, 588, 593, 594, 595, 600, 601, 606, 607, 618, 624, 625, 639, 643-644, 644-646, 646, 686-689, 689-690, 696, 712, 758, 774, 778, 783, 787, 787-788, 789, 803, 832, 842, 860, 870, 879, 880, 881, 931, 936, 950, 951, 952, 953, 954, 957, 969, 977, 999, 1001, 1002, 1003, 1024, 1026, 1027, 1028, 1031, 1032, 1033, 1035.



Cartier, Georges Etienne, 551, 561, 566, 577, 583, 584, 608, 638, 651, 654, 675, 679, 698, 723f, 778, 779, 782, 797, 829, 830, 858, 859, 873, 873-874, 875, 876, 895, 919, 935, 980, 981, 982, 988, 992-993, 999, 1003, 1004, 1011, 1015, 1016-1019, 1019, 1019-1020, 1020, 1020-1021, 1021, 1022, 1023, 1035.

Casault, Louis Eldemar Napoléon, 599, 825, 831, 983, 1001, 1023-1024, 1024, 1026.

Cauchon, Joseph Edouard, 535, 536-537, 537, 539, 540, 544, 585, 590, 591, 609, 737, 738, 739, 742, 756, 762, 795, 805, 826, 836, 838-839, 840, 842, 850, 864-865, 865, 866, 867, 886, 887, 888, 897, 901, 901-902, 910, 917, 943, 954.

Cayley, William, 564, 577, 579, 582, 602, 603, 605, 618, 665, 669, 675, 731, 732, 732-733, 734, 735, 736, 775, 807, 826, 830, 831, 851, 871-872, 876, 877, 882, 897, 934, 941, 941-942, 942, 945, 950.

Chabot, Jean, 851, 944, 1025, 1026, 1032, 1033.

Chapais, Jean Charles, 629, 775, 852, 927, 931, 1019, 1026.

Chisholm, George King, 577, 599, 599-600, 665, 852, 927, 985.

Christie, David, 618, 675, 915, 957, 969.

Church, Basil Rorison, 576, 617, 728, 833, 851, 926, 957.

Clarke, William, 576, 617, 638, 668-669, 778, 802, 822, 885, 895, 926, 953, 954-955, 957, 959, 1032.

Conger, Wilson Seymour, 676, 747, 753, 758, 822, 837, 851, 968, 973, 1010.

Cook, Ephraim, 610f, 675, 895.

Cooke, Alanson, 529, 577, 728, 773, 895, 919, 920, 926, 968, 985, 1011, 1012.

Crawford, George, 529, 576, 581, 582, 664, 714, 772, 850, 881, 987, 1010.

Crysler, John Pliny, 896, 1003.

## D

Daly, Thomas Mayne, 577, 664, 823, 909?, 927, 967.

Daoust, Charles, 544, 596, 599, 617, 653, 736, 822.

Daoust, Jean Baptiste, 850.

Darche, Noël, 585, 617, 664, 675, 773, 850, 879, 959, 1010.

Delong, Jessie, 617, 664, 851.

Desaulniers, Louis Léon Lesieur, 635, 772.

DeWitt, Jacob, 636, 871, 877, 881, 882, 926, 967, 976-977, 981, 986.

Dionne, Benjamin, 617, 774, 822, 926.

Dorion, Antoine Aimé, 529, 533, 544, 545, 550, 551, 576, 583, 584, 603-604, 627, 628, 630, 635, 636, 637, 638, 653, 667, 696, 702, 703, 706-708, 712, 736, 756, 760?, 761, 763, 798, 886, 906, 914-915, 915, 939, 940, 943, 947, 952, 953, 954, 967, 978-979, 980, 992, 1002-1003, 1004, 1025, 1031, 1032.

Dorion, Jean Baptiste Eric, 529, 576, 598, 608, 617, 635, 760?, 772, 828, 838, 839, 840, 841, 843, 860, 867-868, 879, 908, 910, 911, 932-933, 967, 987, 1010.

Dostaler, Pierre Eustache, 852.

Drummond, Lewis Thomas, 545, 546, 562-563, 580, 582, 584, 585, 585-586, 588-589, 589, 590, 591, 596, 597, 599, 601, 603, 608, 618, 626, 627, 628, 628-629, 629, 629-630, 630, 631-632, 635, 641-642, 643, 644, 646, 650, 651, 652, 653, 654, 666, 668, 669, 670, 680-686, 686, 697, 699, 700, 714, 715, 728, 729, 730, 735, 735-736, 736, 760, 761, 762?, 762, 763, 774, 794-795, 795, 804, 805-806, 806, 830, 842, 843, 844, 852, 868-869, 878, 880, 881, 885, 886, 888, 897-899, 900, 903-904, 912-913, 917, 918, 919, 920, 934, 947-949, 952, 959, 959-960, 975-976, 980, 1001, 1002, 1003, 1012, 1022, 1024, 1025, 1025-1026, 1026, 1030, 1031, 1034, 1035, 1040f.

Dufresne, Joseph, 581, 617, 736, 772, 834, 850, 865, 882, 934, 1030.

## E

Egan, John.

Evanturel, François, 576, 598, 599, 675, 773, 968, 993-994.

## F

Fellowes (see Lyon).

Felton, William Locker Pickmore, 548-550, 555-556, 556, 563, 564, 584, 585, 594, 595, 596, 601, 605, 608, 618, 636, 637, 639, 736, 760, 774, 823, 837-838, 839, 840, 900-901, 907, 908, 909, 910, 945, 945-946, 946, 968, 988-989, 989, 1033.

Fergusson, Adam Johnston, 675, 794, 832, 957, 988, 1010.

Ferres, James Moir, 562, 664, 772, 792-793, 828, 838, 842, 843, 853, 881, 885, 888, 901, 902-903, 935, 983, 988, 1000, 1023.

Ferrie, Robert, 544, 581, 649, 793-794, 835, 850, 940-941, 941, 942, 967, 980, 988, 1032.

Flint, Billa.

Foley, Michael Hamilton, 544, 567, 576, 581, 607, 609, 670, 744, 750, 759, 778, 802, 909?, 916, 926, 988, 1002, 1012, 1013.

Fortier, Octave Cyrille, 618, 652, 762, 803, 823, 895, 1010.

Fortier, Thomas, 534, 608, 633, 637, 772, 824, 850, 982.

Fournier, Charles François, 775, 852, 944.

Frazer, John, 576, 605, 617, 625, 665, 675, 759, 773, 778, 822, 827, 835, 850, 926, 927, 957, 958, 988.

Freeman, Samuel Black, 529, 597, 599-600, 664, 822, 827, 832, 915-916, 1029.

## G

Galt, Alexander Tilloch, 534-535, 535-536, 537, 538, 544, 583, 584, 621, 624, 733, 762, 763, 805, 807.

Gamble, John William, 588, 618, 640, 704, 706, 728, 742, 746-747, 753, 755, 778, 782-783, 783, 787, 833, 969, 980, 981, 1004, 1030, 1031, 1034.

Gill, Ignace, 596, 736, 772.

Gould, Joseph, 618, 637-638, 638, 758, 794, 829, 837, 881, 916, 969, 984, 1029, 1034.

Guévremont, Jean Baptiste, 618, 896, 1033.

## H

Hartman, Joseph, 548, 552-553, 556, 565, 597, 600, 601, 605, 617, 636, 639, 640, 654, 665, 669, 676, 774, 778, 786, 822, 833, 834, 851, 870, 883, 884, 885, 895, 911-912, 915, 919, 920, 957, 969, 981, 984, 1011, 1012, 1013-1014.

Holton, Luther Hamilton, 584, 602, 603, 607, 618, 752, 774, 805, 806, 853, 876, 885, 891f, 907, 917, 927, 953, 968, 980, 1012, 1022, 1023.

Huot, Pierre Gabriel, 822.

## J

Jackson, George, 529, 553-555, 618, 625, 675, 822, 852, 931, 969, 984, 985, 986, 1033.

Jobin, Joseph Hilarion, 531, 628, 634, 773, 807, 808, 824, 850, 881, 882, 886, 967, 983, 1032, 1033.

## L

Labelle, Pierre, 628, 850, 895, 927, 967.

Laberge, Charles Joseph, 559-560, 601, 617, 632, 736, 943, 989-990, 999, 1001.

Laporte, Joseph, 772.

Larwill, Edwin, 617, 664, 781, 803, 882, 883, 884, 886, 943, 953, 1010.

LeBoutillier, John, 625, 888.

Lemieux, François Xavier, 577, 609, 652, 728, 762?, 775, 790, 794, 822, 882, 887, 947, 950, 986, 1004, 1022, 1034.

Loranger, Thomas Jean Jacques, 553, 566, 576, 584, 585, 594, 601, 626, 627, 628, 630, 631, 638-639, 692-696, 696, 715, 744-745, 745-746, 758, 761, 774, 782, 789-790, 790, 843, 881, 907, 909, 947, 958, 967, 977, 979, 980, 982, 983, 996, 996-998, 1004, 1010.

Lumsden, John MacVeigh, 728, 821.

Lyon (Fellowes), George Byron, 577, 592, 628, 728, 734, 772, 821, 832, 850, 926, 973, 987, 995, 1010.

## M

Macbeth, George, 529, 834, 1010.

McCann, Henry Wellesly, 599-600, 609, 728, 762, 851, 895, 959, 968.

Macdonald, John Alexander, 639, 646, 646-647, 664, 667, 669, 675, 698, 703, 704, 708-710, 734, 752, 752-753, 803, 829, 832, 837, 872-873, 876, 876-877, 877, 879, 884, 895, 897, 912, 933, 936-938, 938-939, 939, 940, 945, 953, 954, 957, 959, 1002, 1004, 1013, 1015, 1031, 1034.

Macdonald, John Sandfield, 538, 540-542, 562, 580, 582, 584, 596, 607, 625, 626, 627, 650, 650-651, 666-667, 667, 668, 700-702, 702, 703, 704, 712, 713, 715, 731, 732, 733, 734, 735, 739, 742, 750, 757, 761-762, 774, 780, 780-781, 781, 781-782, 782, 798, 799-800, 807, 824, 825, 826, 827, 832, 833, 835, 836, 852, 878, 887, 896, 899-900, 900, 919, 933, 935, 936, 938, 940, 942, 946, 950, 951, 952, 954, 969, 1004.

McDonald, Roderick, 801, 822, 852, 1034.

Mackenzie, William Lyon, 538, 542-543, 550, 564, 567, 585, 600, 602-603, 604, 609, 625, 635, 636-637, 637, 676, 711-712, 713, 732, 735, 738, 750, 751, 752, 753, 754, 762, 778, 790-792, 796, 808, 823, 827-828, 828, 829, 832, 836, 853, 870, 870-871, 872, 873, 874-875, 877, 878, 887, 913, 913-914, 916, 935, 936, 939, 946, 957, 959, 960, 986, 988, 1014, 1014-1015, 1015, 1021, 1022, 1025, 1035.



MacNab, Allan Napier, 580, 625.

Marchildon, Thomas, 555, 664, 773, 800-801, 806, 850, 996, 998, 1026.

Masson, Luc Hyacinthe, 566, 608, 627, 632, 632-633, 637, 703, 763, 772, 1010, 1033.

Matheson, Donald, 774, 927, 1010.

Mattice, William, 577, 774.

Meagher, John, 577, 625, 728, 944.

Merritt, William Hamilton, 529, 537, 538-539, 539, 577, 582, 625, 641, 653, 654, 675, 778, 784-785, 829, 836, 843, 969, 981, 981-982, 982, 1011.

Mongenais, Jean Baptiste, 822, 926, 980.

Morrison, Angus, 599-600, 617, 665, 832, 853, 870, 879, 985, 1002, 1012.

Morrison, Joseph Curran, 566, 576, 625, 670, 689, 700, 713, 714, 778, 832, 843, 844, 876, 879-880, 880, 881, 896, 926, 954, 957, 967, 1031.

Munro, Henry, 664, 675, 728, 778, 847f.

Murney, Edmund, 841, 842, 853, 882, 896, 912, 913, 950, 1003.

## N

Niles, William E., 529, 772, 969, 986.

## O

O'Farrell, John, 649, 825, 895.

## P

Papin, Joseph, 596, 601, 618, 627, 629, 635, 640, 710-711, 773, 798, 840, 841, 911, 933, 987, 994-995, 995, 1003, 1026, 1032, 1033, 1039f.

Patrick, William, 747, 750, 757, 774, 822, 852, 895, 950, 958, 967, 1010.

Polette, Antoine, 772, 1032, 1033.

Poulin, Joseph Napoléon, 628, 675, 852, 968, 984, 1032.

Pouliot, Barthelemy, 796, 969.

Powell, William Frederick, 539-540, 540, 560, 618, 639, 676, 772, 783, 784, 796-797, 804, 805, 823, 851, 882, 916, 951, 969, 982, 994.

Prévost, Gédéon Mélasippe, 529, 533-534, 577, 628, 635, 773, 777, 851, 926, 946, 1032, 1033.

Price, David Edward, 618, 729-730.

## R

Rankin, Arthur, 556-557, 585, 593, 605, 675, 690-692, 756, 774, 780, 782, 785, 796, 806, 821, 829, 943, 982, 1004.

Rhodes, William, 594, 618, 629, 758-759, 762, 827, 843-844, 850, 880, 903, 927, 967, 1010.

Robinson, William Benjamin, 538, 626, 737, 739, 850, 927, 969, 984.

Roblin, David, 599-600, 773, 826, 951, 967.

Rolph, John, 616f, 957.

Ross, Dunbar, 576, 608, 610f, 647-648, 736, 916, 927, 947, 949, 1024, 1025, 1026, 1033.

Ross, James, 676.

## S

Sanborn, John Sewell, 546-548, 565, 597, 608, 618, 628, 631, 635, 729, 772, 839, 852, 904-905, 905, 905-906, 910, 926, 967, 985, 1026, 1032, 1033.

Scatcherd, John, 617, 625, 664, 675, 835, 836, 927, 984.

Shaw, James, 576, 617, 772, 822, 851, 969, 980.

Sicotte, Louis Victor, 529, 537, 538, 544, 551, 576, 579, 580, 583-584, 588, 589, 590, 594, 595, 605, 627, 649, 664, 670, 696, 703, 704, 705, 713, 714, 730, 738, 748, 750, 751, 752, 763, 772, 781, 786, 788, 789, 801, 804, 805, 817, 824, 825, 828, 843, 850, 870, 880, 884, 885, 887, 905, 912, 915, 916, 936, 945, 947, 949, 967, 1015, 1021-1022, 1022, 1035.

Smith, Henry, 529, 533, 543, 544, 576, 579-580, 580, 584, 606-607, 607, 608, 618, 654, 655f, 670, 686, 699, 704, 729, 731, 733, 738, 754, 760, 780, 804, 805, 806, 808, 821, 825, 832, 833, 834, 835, 837, 842, 878?, 881, 882, 883, 884, 885, 896, 917, 918, 936, 946-947, 952, 974-975, 979, 981, 984, 987, 988, 989, 990-992, 999, 1001, 1002, 1026, 1027, 1028, 1031, 1032.

Smith, James, 561-562, 572f, 576, 582, 584, 585, 611f, 670?, 676, 734, 738, 837, 878?, 968, 1011.

Smith, Sidney, 551-552, 579, 581, 585, 590, 591, 592, 593, 607, 625, 665, 670?, 676, 728, 743, 744, 756, 758, 773, 823, 824, 825, 833, 834, 835, 837, 878?, 968, 973, 1003, 1011, 1014, 1030.

Somerville, Robert Brown, 589, 590, 630, 736, 773, 851, 910, 936, 985, 1032.

Southwick, George, 675, 957, 968.

Spence, Robert, 546, 557-559, 576, 675, 737, 739, 755-756, 888, 969, 1014.

Stevenson, David Barker, 550, 564, 577, 580, 665, 669, 670, 789, 801, 803, 822, 823, 880, 895, 926, 932, 933, 934, 935, 950, 977, 980, 985, 988, 989.

## T

Taché, Joseph Charles, 1010.

Terrill, Timothy Lee, 774, 838, 839, 852, 886, 902, 908, 910, 967, 988, 989, 1026, 1033.

Thibaudeau, Joseph Elie, 633, 824, 850, 979, 980, 1001.

Turcotte, Joseph Edouard, 593, 594, 608, 633-634, 736, 748, 748-749, 881, 1026.

## V

Valois, Michel François, 599, 604, 629, 634, 823, 881, 967.

## W

Whitney, Hannibal Hodges, 617, 664, 853, 879, 926, 968, 980, 1003, 1010, 1032.

Wilson, John, 560-561, 561, 585, 588, 592, 618, 628, 643, 675, 696-697, 697-698, 698, 698-699, 699, 699-700, 700, 704, 735, 756-757, 772, 800, 978, 1002, 1011, 1029, 1031.

Wright, Amos, 580, 617, 728, 758, 944, 969, 1011.

## Y

Yeilding, Agar.

Young, John, 529, 543-544, 559, 604, 652, 679, 729, 733, 734, 774, 797, 879, 1010, 1012.











3 1761 11465298 5

